

REVISED AGENDA

**JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2020
THURSDAY, NOVEMBER 19, 2020
6:00 P.M.**

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

*****This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.***

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- October 1, 2020 - Amended Minutes - Regular Meeting

APPROVAL OF ACCOUNTS PAYABLE

- November 12, 2020
- November 19, 2020

APPROVAL OF MANUAL CHECKS

- November 13, 2020
- November 20, 2020

APPROVAL OF PAYROLL

- November 12, 2020

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

*****You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.***

PRESENTATIONS

1. 6:15 p.m. **Pete Dougherty, Sheriff**
- Deputy Annual Leave Accrual Maximums - Discussion/Action
2. 6:30 p.m. **Daniel L. Lutz, Jr.**
- Discuss interest in the 2022 Centennial of the Miners' Trials - Discussion/Action
3. 6:45 p.m. **Dennis Jarvis, II, Jefferson County Development Authority**
- Request the process of advertising the position of Office Manager due to retirement - Discussion/Action
4. 7:00 p.m. **Nathan Cochran, Assistant Prosecuting Attorney**
 - Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action
 - Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1) - Discussion/Action
 - Report by Counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues, and matters related thereto - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-174 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-20 - Discussion/Action
 - Discussion of legal issues regarding proposed solar text amendment including bonding and related matters - Discussion/Action
 - Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20 - Discussion/Action
 - Discussion with counsel regarding Charles Town Council changes to Article 147 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-125 - Discussion/Action

NEW BUSINESS

5. Acknowledgment of the "Assessor's additional duties" as delineated in WV Code 7-7-6b - Discussion/Action
6. Certification of the 2020 General Election Results - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Discuss Governor's Order 77-20 - Discussion/Action
- Discuss expansion of telework in response to increase of COVID cases - Discussion/Action
- Discuss Task Force letter to Governor regarding COVID funding for small businesses - Discussion/Action

COUNTY COMMISSION REPORTS

7. **ADJOURN**

CORRESPONDENCE/INFORMATION

Notice of Public Hearing on December 3, 2020 at 1:30 p.m. - Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditions Use in the Rural zoning district.

Notice of Public Hearing on December 3, 2020 at 1:45 p.m. - Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P).

Notice of Public Hearing on December 3, 2020 at 2:00 p.m. - Regarding Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.2, 13, 14, & 15.2.

Correspondence received from Christine Marshall regarding the Zoning Text Amendment on Commercial Cemeteries to process as a Conditions Use in the Rural zoning district

Administrative Order EE-20-34 received regarding Potomac Farms Water Co. Water System.

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

AMENDED

Minutes

Jefferson County Commission

Thursday, October 1, 2020

A meeting of the Jefferson County Commission was held on Thursday, October 1, 2020 during the fourth quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Hudson, and Josh Compton. Also present were Stephanie Grove, County Administrator and Sandy McDonald, Deputy County Administrator (The archived meeting of the Thursday, October 1, 2020 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Compton led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Commissioner Noland to approve the September 3, 2020 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Commissioner Noland to approve the September 11, 2020 Public Hearing and Special Session Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Commissioner Compton to approve the September 17, 2020 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Commissioner Compton to approve the Requisitions for October 1, 2020 as presented in the amount of \$15,139.38 to include Requisition Nos. 21006, 21007, and 21008.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83792	84 LUMBER	122.76
83793	AT&T	202.74
83794	ATLANTIC OCCUPSYCH, INC.	1,200.00
83795	CAPITAL LIGHTING & SUPPLIES LLC	217.15
83796	CRYSTAL SPRING	561.54
83797	DR. ROBERT E JONES III	1,000.00
83798	FIDELITY POWER SYSTEMS	1,749.00
83799	J.C. EHRLICH	744.00
83800	JOSEPH MOFFETT	1,726.58
83801	KONE INC.	312.60
83802	LANGUAGE LINE SERVICES	131.77
83803	NICOLE NOBREGA	2,322.98
83804	RICE TIRES CO	935.48
83805	SHERWIN-WILLIAMS	266.53
83806	STACI HOVERMALE	3,250.00
83807	SHERIFF OF JEFFERSON CO	5,000.00
83808	WVCORP WV COUNTIES SELF INSURANCE RISK POOL	193,784.25
TOTAL		213,527.38

Motion by Commissioner Noland to approve the Accounts Payable for September 24, 2020 in the amount of \$ 213,527.38. Motion seconded and unanimously approved.

There were no Manual Checks for September 25, 2020 to approve.

CHECK#	VENDOR NAME	AMOUNT
83810	ADAM WARD	\$ 11.00
83811	AHA-ARTS & HUMANITIES ALLIANCE	\$ 1,304.32
83812	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 3,091.26
83813	BOLIVAR / HARPERS FERRY PUBLIC LIBRARY	\$ 20,625.00
83814	BUREAU OF CHILD SUPPORT	\$ 248.31
83815	CACH LLC	\$ 276.76
83816	COLONIAL LIFE	\$ 163.20
83817	CROCK-HAMRICK REPORTING SERVICES LLC	\$ 321.00
83818	DELTA DENTAL OF WV	\$ 6,687.90

83819		EFTPS IRS TAXES		\$ 95,547.78
83820		EMPOWER RETIREMENT		\$ 5,143.12
83821		GUTTMAN OIL CO		\$ 2,464.62
83822		HIGHMARK WV		\$ 201,787.73
83823		INVESTIGATIVE SPECIALTY SERVICES LLC		\$ 550.00
83824		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		\$ 1,931.37
83825		JEFFERSON CO EMERGENCY SERVICES AGENCY		\$ 655,711.75
83826		JEFFERSON CO CONVENTION AND VISITORS BUREAU		\$ 32,608.01
83827		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		\$ 26,500.00
83828		JEFF CO PARKS & RECREATION COMMISSION		\$ 96,567.31
83829		JEFFERSON DAY REPORT CENTER		\$ 37,502.50
83830		JEFFERSON SECURITY BANK		\$ 4,839.00
83831		MILLENNIUM INSURANCE GROUP		\$ 900.00
83832		MILLER'S SUPPLIES AT WORK		\$ 19.52
83833		NATIONAL VISION ADMIN.		\$ 1,770.60
83834		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
83835		OLD CHARLES TOWN LIBRARY		\$ 20,625.00
83836		SHEPHERDSTOWN PUB LIBRARY		\$ 20,625.00
83837		SOUTH JEFFERSON PUBLIC LIBRARY		\$ 20,625.00
83838		TONI L MILBOURNE		\$ 650.00
83839		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 14,883.18
83840		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 46,353.35
83841		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 166.49
83842		WV TAX DEPUTIES ASSOCIATION		\$ 30.00
83843		WVU WEST VIRGINIA UNIVERSITY		\$ 3,700.00
83844		TYLER TECH		\$ 652.00
83845		CITIZEN VOLUNTEER FIRE		\$ 2,543.27
83846		INDEPENDENT FIRE CO		\$ 7,013.10
83847		SHEPHERDSTOWN FIRE CO		\$ 5,000.00
TOTAL				\$ 1,340,287.45

Motion by Commissioner Compton to approve the Accounts Payable for October 1, 2020 in the amount of \$1,340,287.45. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount

512	CS/2	EPTA - EASTERN PANHANDLE TRANSIT AUTH.		\$ 3,583.50
513	CS/2	JEFF CO COMMUNITY MINISTRIES		\$ 3,000.00
831	AV/56	PRINT-O-STAT		\$ 190.00
TOTAL				\$ 6,773.50

Motion by Commissioner Noland to approve the Manual Checks for October 2, 2020 in the amount of \$6,773.50. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Commissioner Noland to approve the Payroll for September 17, 2020 in the amount of \$270,378.24. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was received by Tim Ross, Catherine Jozwick and Christine Wimer.

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATIONS

1. Angie Banks, Assessor requested the approval of the following Exonerations:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Financial Services Vehicle Trust	PP	HF	307617	\$334.57

- **Motion by Commissioner Compton to approve the Exoneration for Ticket No. 307617 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Leah Petersen	PP	KD	310941	\$98.68

- **Motion by Commissioner Noland to approve the Exoneration for Ticket No. 310941 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Shari and Victor Jones	PP	CTD	302626	\$188.91

- **Motion by Commissioner Compton to approve the Exoneration for Ticket No. 302626 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Timothy and Roxanne Rickard	PP	MD	313263	\$279.95

- **Motion by Commissioner Noland to approve the Exoneration for Ticket No. 313263 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Lyn Noordam	PP	SD	317048	\$22.76

- **Motion by Commissioner Tabb to approve the Exoneration for Ticket No. 317048 as presented. Motion seconded and unanimously approved.**

2. Pete Dougherty, Sheriff – requested the approval of a deputy hire.

- Motion by Commissioner Noland to approve the hire of Joshua Weaver to the position of Deputy Sheriff at a starting salary of \$46,833. Motion seconded and unanimously approved.
3. Stacy Horst, Breast Cancer Awareness – Cumberland Valley – requested the approval of a Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County.
 - Motion by Commissioner Lorenzetti to approve the Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County. Motion seconded and unanimously approved.
 4. Michelle Gordon, Finance Director – presented an Ambulance Fee Appeal submitted by Tim Ross, Invoice number 2134487.
 - Motion by Commissioner Lorenzetti to grant a one year exoneration for the FY21 ambulance fee appeal for Tim Ross, invoice number 2134487 in the amount of \$50.00 as presented by Ms. Gordon and to be exempt from back billing. Motion failed by a 3-2 vote. Commissioners Tabb, Noland, and Hudson voted no.
 5. Roger Goodwin, Chief County Engineer – requested the approval of the following bond releases:
 - a. Complete Bond Release of Performance Bond No. 018039136 with the Ohio Casualty Insurance Company, Charlotte, NC bond security for Primax Construction, Inc. – Advance Auto Parts (File #S15-03)
 - Motion by Commissioner Noland to authorize a complete release of Performance Bond No. 018039136 with the Ohio Casualty Insurance Company, Charlotte, NC in the amount of \$345,226.00 construction amount for Primax Construction, Inc. – Advance Auto Parts (Files #S15-03). Motion seconded and unanimously approved.
 - b. Complete release of Performance Bond No. 0763071 with International Fidelity Insurance Company, Newark, NJ construction bond security for Magnolia WV, LLC – Magnolia Springs Subdivision, Phase I (File #18-05). The bond is being re-secured by D.R. Horton, Inc. for the full amount with Lexon Insurance Company, Mt. Juliet, TN.
 - Motion by Commissioner Tabb to authorize a complete release of Performance Bond No. 0763071 with International Fidelity Insurance Company, Newark, NJ in the amount of \$4,464,221.00 construction bond amount for Magnolia WV, LLC – Magnolia Springs Subdivision, Phase I (File #18-05). Motion seconded and unanimously approved.

6. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
 - Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
 - Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
 - Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
 - Discussion of legal issues regarding proposed solar text amendment including bonding and related matters – Discussion/Action
 - Discussion of legal issues regarding proposed solar text amendment including bonding and related matters – Discussion/Action
 - Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20 – Discussion/Action
- o Mr. Cochran stated that he had no new updates to provide at this time regarding the matters listed above.

NEW BUSINESS

7. Continuation of the discussion of Article 147 – changed made by Charles Town City Council.
- **Motion by Commissioner Compton to hire Will Rohrbaugh, Esq. to review the changes to Article 147 made by the Charles Town City Council and to report back to the Jefferson County Commission. Motion seconded and unanimously approved.**
8. Acknowledgement of the Assessor’s Certificate of Compliance.

- **Motion by Commissioner Tabb to acknowledge the Assessor's Certificate of Compliance. Motion seconded and unanimously approved.**

9. CEOS – West Virginia Breast Cancer Awareness Proclamation.

- **Motion by Commissioner Tabb to approve the Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County as Presented by the CEOS. Motion seconded and unanimously approved.**

10. Decision – Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway commercial, Light Industrial, Major Industrial, Rural Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposed revisions to Article 2, Definitions; Article 8, Supplement Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C, Principal Permitted and Conditional Uses Table.

- **Motion by Commissioner Hudson to approve File ZTA-19-03 as presented and that it meets the comprehensive plan. Motion by Commissioner Noland to amend the motion to include an increase on the setback requirements regarding File ZTA-19-03. Amended motion seconded and unanimously approved. Main motion passed by a 3-2 vote. Commissioners Tabb and Lorenzetti voted no.**
- **Motion by Commissioner Lorenzetti to approve the Stormwater Management Text Amendments as presented. Motion seconded and unanimously approved.**
- **Motion by Commissioner Noland to approve the date for the Solar Energy Text Amendments to be effective in 45 days – November 16, 2020. Motion passed by a 3-2 vote. Commissioners Tabb and Lorenzetti voted no.**

COUNTY ADMINISTRATOR REPORTS

Discuss request for funding: COVID-19 Pandemic Block Grant \$100,000.

- **Motion by Commissioner Tabb to approve the request received from the JCCOA in the amount of \$2,546.52 from the COVBID-19 Pandemic Block**

Grant and to reimburse the JCCOA after the purchase is made and receipts are turned in. Motion seconded and unanimously approved.

Discuss Halloween – Trick or Treat.

- **By consensus, the Commission agreed to take no action on the Halloween – Trick or Treat decision and to refer this matter to the Jefferson County Health Department.**

Discuss Ambulance Fee Collection.

- **Motion by Commissioner Noland to hire a temporary employee to help with the Ambulance Fee Collections. Motion seconded and unanimously approved.**

COUNTY COMMISSION REPORTS

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to County Commission reports.

11. The Commission adjourned at 1:02 p.m. on a motion by Commissioner Noland. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Sandy S. McDonald
Deputy County Administrator

**CHECK REGISTER
NOVEMBER 12, 2020**

CHECK#	VENDOR NAME	AMOUNT
83983	AMERIFLEX	\$ 128.00
83984	ASBURY UNITED METHODIST CHURCH	\$ 200.00
83985	B&M PAINTING INC.	\$ 8,684.58
83986	BETHEL METHODIST CHURCH	\$ 100.00
83987	BLUE RIDGE MOUNTAIN FIRE HALL	\$ 100.00
83988	BOLAND TRANE SERVICES INC	\$ 1,771.00
83989	BUREAU OF CHILD SUPPORT	\$ 248.31
83990	CACH LLC	\$ 276.76
83991	CHARLES TOWN BAPTIST CHURCH	\$ 100.00
83992	CITIZEN FIRE CO	\$ 150.00
83993	COVENANT BAPTIST CHURCH	\$ 100.00
83994	CROSSPOINT CHURCH	\$ 200.00
83995	DARYLL WIMER	\$ 3.31
83996	EFTPS IRS TAXES	\$ 97,698.05
83997	EMPOWER RETIREMENT	\$ 5,259.99
83998	ESS ELECTION SYSTEMS & SOFTWARE	\$ 4,208.70
83999	FELLOWSHIP BIBLE CHURCH	\$ 200.00
84000	FIFTH THIRD BANK	\$ 101,760.65
84001	FIRST BAPTIST CHURCH	\$ 100.00
84002	FRANKLIN & PROKOPIK P.C.	\$ 1,845.00
84003	GUTTMAN OIL CO	\$ 1,995.75
84004	INVESTIGATIVE SPECIALTY SERVICES LLC	\$ 825.00
84005	JEFFERSON COUNTY COUNCIL ON AGING	\$ 100.00
84006	JEANNA HOLLER	\$ 12.42
84007	JEFF CO PARKS & RECREATION COMMISSION	\$ 160,000.00
84008	JEFFERSON SECURITY BANK	\$ 4,674.00
84009	JUDICIAL DIALOG SYSTEMS	\$ 8,103.38
84010	LANGUAGE LINE SERVICES	\$ 228.50
84011	LEETOWN METHODIST CHURCH	\$ 100.00
84012	MARGARET GAINEY	\$ 432.07
84013	MILLENIUM INSURANCE GROUP	\$ 250.00
84014	NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
84015	OAKLAND METHODIST CHURCH	\$ 100.00
84016	OLD CHARLES TOWN LIBRARY	\$ 1,500.00
84017	RETIREE HEALTH BENEFIT TRUST	\$ 8,392.00
84018	RICE TIRES CO	\$ 1,045.92
84019	ROGER GOODWIN	\$ 197.41
84020	RONALD DANTZIC	\$ 9.95
84021	SHI INTERNAIONAL CORP	\$ 244.04
84022	SUMMIT PT BAPTIST CHURCH	\$ 100.00
84023	TEK ADVISORS LLC	\$ 8,400.00
84024	THE HARTFORD	\$ 2,368.55
84025	TRINITY EPISCOPAL CHURCH	\$ 100.00
84026	W B MASON CO. INC	\$ 75.63
84027	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 15,565.70

CHECK REGISTER
NOVEMBER 12, 2020

CHECK#		VENDOR NAME	AMOUNT
84028		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 46,242.46
84029		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 166.49
84030		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 74,932.25
84031		WVCORP WV COUNTIES SELF INSURANCE RISK POOL	\$ 712.50
84032		XEROX CORPORATION	\$ 2,334.50
84033	AM/053	AXION STAFFING	\$ 1,027.10
84034	CV/206	JEFFERSON COUNTY COUNCIL ON AGING	\$ 2,379.92
TOTAL			\$ 566,598.89

13-Nov-20

MANUAL CHECKS			
Check#	Fund	VENDOR	Amount
712	HD/8	ATTENTI	\$ 2,908.80
713	HD/8	FIFTH THIRD BANK	\$ 57.60
714	HD/8	SELEX	\$ 10,625.00
841	AV/56	FIFTH THIRD BANK	\$ 816.35
842	AV/56	JUSTTECH	\$ 165.54
843	AV/56	SEGRA	\$ 616.00
TOTAL			\$ 15,189.29

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$419,180.22		\$419,180.22
6.2% Tax Payable OASDI	\$24,788.01		\$24,788.01
1.45% Tax Payable HI	\$5,797.14		\$5,797.14
Fed Withholding	\$36,527.75		\$36,527.75
WV State Withholding	\$17,407.53		\$17,407.53
PERS Retirement Deduct 4.5%	\$10,303.39		\$10,303.39
PERS Retirement Deduct 6%	\$4,890.97		\$4,890.97
Hosp. Pre-Taxed	\$16,139.00		\$16,139.00
Cancer/ICU Pre-Taxed	\$605.87		\$605.87
Cancer/ICU Not Pre-Taxed	\$939.76		\$939.76
Optional Life Not Pre Taxed	\$1,801.34		\$1,801.34
Christmas Club	\$4,674.00		\$4,674.00
Wage Attach #1	\$248.31		\$248.31
Wage Attach #2	\$443.25		\$443.25
Wage Attach #3	\$0.00		\$0.00
DSRS Retirement Deduct 8.5%	\$6,454.09		\$6,454.09
457 - Nationwide	\$849.00		\$849.00
457I - Empower	\$4,554.99		\$4,554.99
457R - Roth	\$705.00		\$705.00
MD State Tax	\$831.24		\$831.24
D/VF	\$1,961.64		\$1,961.64
VA State Tax	\$102.97		\$102.97
Colonial(Plus)	\$81.60		\$81.60
Uniforms	\$0.00		\$0.00
Total Deductions	\$140,106.85	\$0.00	\$140,106.85
Net Wages Total	\$279,073.37	\$0.00	\$279,073.37
Payroll Date			

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: **Sheriff's Office**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice next meeting

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Deputy Annual Leave Accrual Maximums

Please provide the County Commission with a description of your request or presentation, including any background information:

Per statute, Deputies are to be allowed 30 days maximum of annual leave accrual. As they work longer days than the standard employee, this maximum accrual has historically been 300 hours. With the new Munis payroll system, this leave was decreased to 240 hours. There are currently 6 employees out related to COVID, military, extended medical leave, or workers compensation issues. In light of these absences and the current COVID climate that creates the high likelihood of additional personnel being impacted, reducing their leave accrual to 240 hours would create an undue hardship and open the Department and County up to potential legal action. I request that their maximums be restored to 300 hours. (For a more in depth discussion into the reasons why deputies would need this greater accrual, an executive session may be required.)

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request: none

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

I move to approve the increase of deputy maximum leave accruals to 300 hours.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: pdougherty@jco.wv.gov

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: DANIEL P. Lutz Jr

Department or Organization: SELF

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1st Choice: 19 Dec 2020
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda): Is the Commission interested in the 2022 Centennial of the Miners' Trials?

Please provide the County Commission with a description of your request or presentation, including any background information:

SEE ABOVE

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

SUGGEST A COMMITTEE BE APPOINTED

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

NO

NO

NO

Contact information:

Email address: p.lutz007@gmail.com Phone Number: 304 225 0966

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Dennis Jarvis, II

Department or Organization: JCDA

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **The upcoming Jefferson County Commission November 19, 2020**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Retirement of JCDA office manager Jane Jones

Please provide the County Commission with a description of your request or presentation, including any background information:

The JCDA Office Manager is retiring and we will need to start the process of advertising the position and securing a replacement by the end of January.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

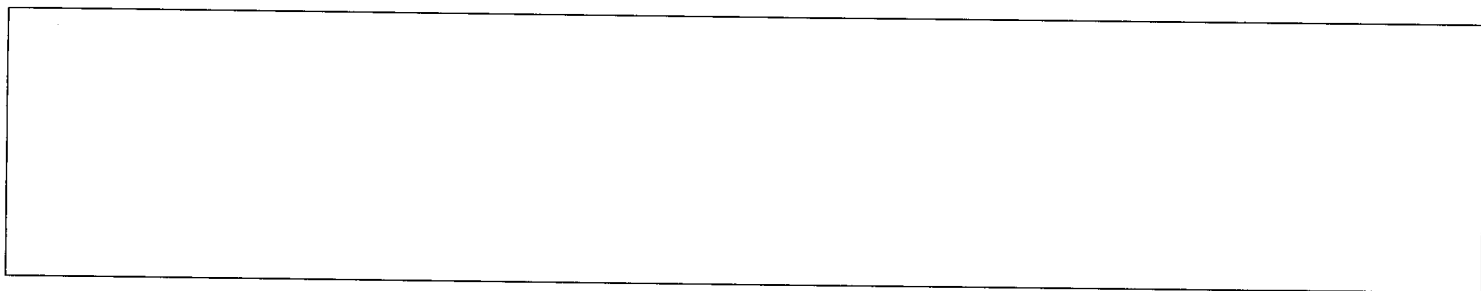
Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



Dave Hardy
Secretary of Revenue



STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

November 5, 2020

President, Jefferson County Commission
Jefferson County Courthouse
100 E. Washington Street
Charles Town, West Virginia 25414

Dear Commission President:

This letter and attachment certify that Angela L. Banks, Assessor of Jefferson County, has substantially complied with the "assessor's additional duties" as delineated in West Virginia Code § 7-7-6a. Substantial completion of the additional duties entitles Ms. Banks to the additional compensation of \$15,000 as provided in West Virginia Code § 7-7-6b.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Steager".

Dale W. Steager
State Tax Commissioner

DWS/ct

Attachment

cc: Assessor of Jefferson County
Clerk of Jefferson County



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 19, 2020**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Subject (*Wording to be placed on agenda*):

Certification of the 2020 General Election Results - Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text. Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 19, 2020**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2nd Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*):

- **Discuss Governor's Order 77-20 - Discussion/Action**
- **Discuss expansion of telework in response to increase of COVID cases - Discussion/Action**
- **Discuss Task Force letter to Governor regarding COVID funding for small businesses - Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

Please Advertise One (1) Time
November 18 & November 25, 2020

NOTICE OF PUBLIC HEARING
Thursday, December 3, 2020 at 1:30 PM

The County Commission of Jefferson County has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table (Planning Commission File #ZTA20-01).

The hearing will be held on **Thursday, December 3, 2020 at 1:30 PM** as a virtual meeting via GoTo Meeting. The URL to participate in the virtual hearing will be included on the meeting agenda and posted to the County's website at www.jeffersoncountywv.org.

Oral or written comments can be provided at the hearing on **Thursday, December 3, 2020 at 1:30 PM**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

A copy of the proposed text amendment is available at the Office of Planning and Zoning and on the County's website at: www.jeffersoncountywv.org. If you have any questions, please contact the Office of Planning and Zoning at 304-728-3228.

By Order of the Jefferson County Commission
Jane Tabb, President

Please Advertise One (1) Time
November 18 & November 25, 2020

NOTICE OF PUBLIC HEARING
Thursday, December 3, 2020 at 1:45 PM

The County Commission of Jefferson County has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 5 District Regulations, Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C, Principal Permitted and Conditional Uses Table (PC File #ZTA20-02).

The hearing will be held on **Thursday, December 3, 2020 at 1:45 PM** as a virtual meeting via GoTo Meeting. The URL to participate in the virtual hearing will be included on the meeting agenda and posted to the County's website at www.jeffersoncountywv.org.

Oral or written comments can be provided at the hearing, **Thursday, December 3, 2020 at 1:45 PM**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

A copy of the proposed text amendment is available at the Office of Planning and Zoning and on the County's website at: www.jeffersoncountywv.org. If you have any questions, please contact the Office of Planning and Zoning at 304-728-3228.

By Order of the Jefferson County Commission
Jane Tabb, President

Please Run 2 Times:

November 18 & November 25, 2020

NOTICE OF PUBLIC HEARING
Thursday, December 3, 2020 at 2:00 PM

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.2, 13, 14, & 15.2. The properties are located at 7948 Martinsburg Pike, Shepherdstown, WV. The property owner is James Van Evera III, et al. The contract purchaser is Sheetz, Inc. The total combined acreage of all of the parcels is 23.48 acres; however, 5.4 acres is subject to the request. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the property owner to change the zoning classification for 5.4 acres to Residential-Light Industrial-Commercial (Planning Commission File #20-1-Z).

The hearing will be held on **Thursday, December 3, 2020 at 2:00 PM** as a virtual meeting via GoTo Meeting. The URL will be published on the meeting agenda.

Oral or written comments can be provided at the hearing on **Thursday, December 3, 2020 at 2:00 PM**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

Please contact the Office of Planning and Zoning for additional information on the proposed request: 304-728-3228 or visit the County's website: www.jeffersoncountywv.org.

By Order of the Jefferson County Commission
Jane Tabb, President

Jessica Carroll

From: Christine Marshall <balmertmarshall@icloud.com>
Sent: Friday, November 6, 2020 1:31 PM
To: Sandra McDonald; Jane Tabb; Ralph Lorenzetti; Patricia Noland; calebHUDSONforjeffersonwv; Josh Compton; Stephanie Grove; JCCInfo
Subject: Public Comment Zoning Text Amendment ZTA 20-01 Commercial Cemeteries
Attachments: Cemetery_setback_distances_surface_water_contamination-Oct_2017.pdf; ATT00001.htm

Greetings Jefferson County Commissioners and Staff,

Thank you for considering my comments below as my Public Comment for the December 3, 2020 Public Hearing on the Zoning Text Amendment on Commercial Cemeteries processing as a Conditional Use in the Rural Zone and a Principal Permitted use in the Residential, Light Industrial Commercial and Industrial Zones.

First I want to say that I do not oppose cemeteries, conventional or green, from locating in any of the land development zones of Jefferson County. My only hope is that newly created cemeteries are constructed in such a way as to prevent surface and groundwater contamination.

In conventional burials embalmed remains are placed into caskets that are then placed in concrete vaults but this is not required by law. Further, grave liners (as opposed to vaults) are not air tight or leak proof, in fact some are intentionally constructed to allow for water passage (as is used in veterans' cemeteries). The American Planning Association estimates 1,000 bodies per acre in single grave cemeteries, which number can be doubled for two graves sites, another common practice. Green/Natural burials are shallower and have fewer burials per acre; 500 for the currently proposed natural cemetery in Jefferson County.

I have attached some scientific articles below that explore groundwater contamination associated with cemeteries and a guidance document on protecting water.

I ask that while you discuss this zoning text amendment that you please keep in mind the protection of groundwater from contaminants related to cemeteries by leachate from decomposing bodies and embalming fluids.

- Please require adequate buffers (at least 50 feet) between burial sites and adjacent water bodies (streams, springs, rivers, flood plains, wetlands) and sinkholes.
- Please require a 200 foot buffer between burial sites and water wells.
- Please avoid burials on land that drains into a sinkhole.
- Please require stormwater collection structures to collect runoff from cemeteries. Cemetery land should drain into stormwater management ponds, which can collect sediment and contaminants.
- Please require a minimum setback, front, side and rear, of 50 feet for maintenance and office buildings in the rural zone.

OCTOBER, 2017

CEMETERY SETBACK DISTANCES TO PREVENT SURFACE WATER CONTAMINATION

Cemetery setback distances to prevent surface water contamination

Primary inquiry: In Canada, as in many other countries, cemeteries are required to be setback a certain distance from waterbodies to protect drinking water sources from contaminated liquids that can arise from the decomposition of bodies after burial. What is recommended as a safe setback distance? What is the rationale for the setback distances used throughout Canada?

Please note: The information provided here is for the purpose of addressing a specific inquiry and is not subjected to external review. The information offered does not supersede federal, provincial, or local guidance or regulations.

Background

Upon death, human remains are typically cremated or inhumed (buried), with inhumation usually occurring in cemeteries. Decomposition of inhumed bodies results in leachates (liquids), typically comprised of water, protein, fat, mineral salts, and carbohydrates, plus potential microbial pathogens, i.e., bacteria and viruses,¹ and in some cases other chemical products such as heavy metals, e.g., mercury from amalgam dental fillings.² Leachates may include embalming fluids, materials from the coffin and from clothing, or ornaments/decorations laid with the body.² Over time, leachates seep into soil and can potentially contaminate ground or surface water.^{3,4} The quantity of leachate seeping into soil and groundwater is directly attributable to the size of the cemetery and number of burials, how often coffins are used,^{3,5} surrounding soil type,⁶ site topography,⁷ and siting of the cemetery in relation to ground or surface water that could transport leachates away from grave sites.

To avoid contamination of nearby water sources from leachates, cemeteries typically have setback distances, i.e., regulations or by-laws that stipulate how far from water sources, drainage, and



Photo credit: Debra Lee Wiseberg Getty Images

ditches cemeteries must be situated. Because Canada spans a vast area, unique circumstances from burials may occur due to the conditions in far north communities, i.e., depth to bedrock can be very shallow and underlain by permafrost, rendering inhumation impossible for much of the year. In these communities, some burials occur above ground, with bodies covered over by rock mounds. Many of these northern communities rely on surface water for drinking water, and may thus be particularly susceptible to leachates containing microbial pathogens that could potentially impact health.

We used a three-pronged approach to seek information to help inform new or updated regulations in regards to cemetery setback distances:

1. consultation with individuals who have expertise regarding cemetery regulations;
2. a rapid academic literature search; and
3. an internet search for public health documents applying to cemetery setbacks.

Prepared by

Aroha Miller (National Collaborating Centre for Environmental Health),
Michele Wiens (National Collaborating Centre for Environmental Health)



National Collaborating Centre
for Environmental Health

Centre de collaboration nationale
en santé environnementale

Consultation

The BC Ministry of Health was contacted to request guidance or direction to documents pertaining to cemetery setback distances, and the rationale for these requirements. The BC Public Health Act, Health Hazards regulation 216/2011, contains information that specifies that water wells must be 120 m from possible sources of contamination, including cemeteries. This provision dates back to 1917 and was more likely a "rule of thumb" approach, rather than having any scientific basis.

A cemetery manager within a large urban centre explained that shallow graves in a warmer temperature are beneficial for decomposition, and rapid decomposition is a "key outcome for modern cemeteries" (*pers. comm.*). Concrete liners (or other suitable material) at the bottom of grave sites may help ameliorate leachate seepage, but in most cases water sources (direction, flow, topography) should have been considered before siting a cemetery. No further information on setback distances was available.

Due to similarities in the unique conditions presented in rural northern Canada and Alaska, a rural landfill specialist in the latter was contacted. He stated that he did not think there are rules/regulations regarding setback distances for cemeteries on the (US) state level (*pers. comm.*).

Rapid Academic Literature Search

The literature scan conducted to obtain this information was limited to the last 10 years. Literature was identified through Medline, CINAHL, Biomedical Reference Collection, Web of Science, and Google Scholar. Terms used in the search included:

- (cemetar* OR cemer* OR burial OR churchyard OR "church yard" OR grave OR graveyard OR gravesite OR inukshuk OR "stone claim" OR plot OR interment)
- (health OR design OR protocol OR guideline OR guidance OR regulation OR standard* OR legislation OR setback)
- (water OR soil OR "phreatic zone" OR ground) AND (pollut* OR contamin* OR leach* OR decompos* OR frozen)

This search turned up 30 related articles/reports, of which 15 were deemed relevant and a full article/pdf was available. Cross-referencing, i.e., looking for specific references cited in the selected literature, was conducted. None of the literature provided specific rationale for the various setback distances used either locally or internationally.

CONDITIONS AFFECTING LEACHATES

SETBACK DISTANCE FROM WATER

Water is the main transport mechanism for contaminants, bringing contaminants to deeper soil layers or to the surface.⁸ In general, contaminants in groundwater attenuate with increasing distance from the source. A German study by Schrapf (1972)^{1,9} measured bacterial counts, ammonia, nitrate, and chemical oxygen demand in groundwater within a cemetery from 50 cm below a row of graves, at various distances down-gradient within the cemetery. High levels of each of these contaminants were found in the immediate vicinity of the cemetery, with concentrations decreasing with increasing distance from the graves (Figure 1).

PARAMETER	DISTANCE FROM GRAVES (m)					
	0.5	1.5	2.5	3.5	4.5	5.5
Bacteria Count (per ml)	8000	8000	8000	3600	1200	180
Ammonia (mg/l)	6	0.75	-	-	-	-
Nitrate (mg/l)	4.8	0.1	-	-	-	-
Chemical Oxygen Demand (mg/l)	26.7	16.4	16.4	15.4	11.4	11.4

(Source: Schrapf, 1972)

Figure 1. Groundwater analyses at various distances from grave sites in a German cemetery, presented in Formanek (1997)¹ [Original source, Schrapf (1972)]⁹

- In a report released in 1992 by the Ontario Ministry of Environment,¹⁰ well water was sampled for formaldehyde (used in embalming fluids) at distances between 500 to 2000 m from cemeteries. Given the low levels found, it was concluded that formaldehyde is not a significant contamination risk at these distances in the studied cemeteries. Of concern is that there is no standard for preparing embalming fluids or for the amount to use in each corpse.⁷ Of note, Health Canada has no drinking water guidelines specific to formaldehyde.¹¹
- A study in South Africa examined groundwater under a cemetery by sampling water from wells within, and from outside, the cemetery (50 m and 500 m distance). Bacterial and colony forming units (E. coli, fecal coliforms, fecal streptococci) were measured. Groundwater within the cemetery was highly polluted compared to the external sample and to the city water supply.
- Zume¹² conducted a pilot study examining contamination of hand-dug wells within 25 m of traditional burial sites in Nigeria. Contaminants were found in the well water, but it could not be confirmed if these contaminants were due to leachates from body decomposition.

- Rainfall is an important factor, both in raising the water table, especially in colder months, and contributing to the rapid flushing of contaminants from the soil.⁶ Plot depth above the water table should consider the maximum water table height reached during heavy rainfalls.
- Historical literature (cited in Spongberg and Becks, 2000¹³) noted cases of groundwater contamination in European cities arising from proximity to cemeteries, e.g., increases in typhoid fever in Berlin, to a “sweetish taste and infected odor in water from wells located near cemeteries in Paris.” Distances of cemeteries to water sources were not given.

SOIL TYPE AND TOPOGRAPHY

Soil type is crucial for both decomposition and seepage of leachates. Fine, dense particles such as clay can prevent decomposition and seepage, whereas coarse particles such as sand can allow rapid decomposition and seepage of leachates, preventing their purification and allowing ground water contamination.⁴ No information was available on the minimal top soil needed for burial.

- Multiple soil samples from within and outside of a cemetery in Northwest Ohio were analysed for adsorbed metals. Samples were collected at distances ranging from approximately 1 m to 15 m from the nearest grave at depths of up to 2.1 m, and at 5 m outside of the cemetery. Graves showing sinking of the surface area, used as a proxy for old graves where decomposition was believed to be complete, were selected. Concentrations were low at all distances both within and outside of the cemetery, with the exception of arsenic,¹³ which was previously used in embalming fluids (e.g., arsenic found at 7.7 mg/kg⁻¹ dry soil at 12.2 m from the nearest grave site).
- Highly permeable soils such as sand and gravel, and conversely, very fine soils that prevent aerobic conditions, should be avoided.³
- Highly permeable soil does not allow good purification of leachates because of speed of seepage through deeper layers and reduced contact time between soil and wastewater.⁸
- Soil type impacts survival and retention of bacteria and viruses from decomposition products. Survival of microorganisms is increased at cooler temperatures (below 5°C). Soil pH affects bacteria and virus survival, with more acidic conditions resulting in faster die-off.⁴
- Topography, i.e., gradient/slope, is important when siting a cemetery as contaminants can migrate down a slope towards water sources.^{1,6}

BODY DECOMPOSITION

Decomposition products are comprised of more than the body elements of carbon, hydrogen, oxygen, etc. (Figure 2). Bacteria and/or viruses can be present, especially if the person died from a contagious illness, as can heavy metals and other organic contaminants coming from the body, the casket, and its linings, clothing on the body, or from ornaments placed with the body.

- Fiedler et al. (2012)² examined 40 exhumed 25-year-old graves and found a variety of materials such as cardiac pacemakers, bedding, disposable diapers, and metal from hip replacements and amalgam fillings, for example.
- The decomposition rate is controlled by temperature, soil moisture, aeration, and leaching, with an optimal temperature range between 25 and 35°C.⁷
- Üçisik and Rushbrook (1998)⁴ noted “No reports have been found in the literature of epidemics or widespread disease outbreaks which were unequivocally the result of seepage from cemeteries. However, doubt and concern persist due to the paucity of sufficient and clear scientific data.”

CEMETERY SOURCE	END PRODUCTS & POTENTIAL CONTAMINANTS
Body Decomposition	Bacteria (total & faecal coliform, faecal streptococci, proteolytic, lipolytic), viruses, water, carbon dioxide (carbonic acid), methane, ammonia & ammonia compounds, nitrogen (in various forms), sulphate, hydrogen sulphide, phosphate, calcium, chloride, potassium & other salts; putrescine, cadaverine; oil & grease; others
Embalming Compounds	Formaldehyde, methanol, phenol, arsenic; aluminium, mercury, lead, & other metals
Man Made Artefacts	Iron, zinc, lead, copper & other metals; phenols, tannins & lignins, water, carbon dioxide, methane, hydrogen sulphide, organic acids; protein - water, carbon dioxide, methane, ammonia, hydrogen sulphide; cellulose - acids, carbon dioxide & water; lignin - phenols & alcohols

Figure 2. End products and potential contaminants at cemeteries

COLD CLIMATES

Climate, e.g., dry or wet conditions, temperature and rainfall, is an important determinant of seepage of leachates. Permafrost forms at cold climatic conditions, high latitudes, and some high alpine areas, and renders inhumation difficult at best. Permafrost is one condition that has not been examined in relation to leachates seeping from cemeteries.

- Historically, permafrost has been considered an impermeable barrier to the movement of contaminants. When permafrost thaws, organic matter and minerals in the soil become available for remobilization and introduction into aquatic systems.¹⁴

- Climate change may result in the destabilization of permafrost.¹⁵
- Permafrost thaw, especially in light of climate change, can create new freshwater ecosystems, potentially modifying lakes, streams, and rivers¹⁴ that could transport leachates and associated contaminants to drinking water.
- Survival of pathogens is increased at low temperatures.⁴
- In cold/dry, or cold/wet conditions, full body decomposition can take between 50 to 500 years to achieve,¹ indicating only small volumes of leachate would be available for seepage at any one time under northern latitude conditions (Figure 3).

CLIMATE TYPE IN ACIDIC SOIL	DURATION (years)
Hot - wet	25 - 100
Hot - dry	100 - 500
Cold - wet	50 - 200
Cold - dry	200 - 500

(Source: Krogman & Iscan, 1986)

Figure 3 Human body decay times, presented in Fornanek (1997)

Public Health Documents and Grey Literature

An internet search was conducted using the same search terms as the academic literature search, in order to identify documents from public health agencies and other organizations that indicate cemetery setback distances from water sources. Many local or municipal Canadian cemetery bylaws/regulations did not mention setback limits. However, setback distances were found in documents from some provinces and local areas, from other countries, and from the World Health Organization (WHO) (Table 1).

Outside of Canada, the Scottish Environmental Protection Agency recommends setbacks of 250 metres from a potable water source and 50 metres away from other water courses (Table 1).⁵ In the situation of remote communities in areas with thin soil, the land should be raised to increase soil thickness by no more than 2 m (not a burial mound), and groundwater monitoring for contaminants should be undertaken.

KNOWLEDGE GAPS

Minimal research has been conducted into the migration of leachates from cemeteries, and scarce information exists on the potential for contamination of surface water from leachates seeping from cemeteries. Instead, the scientific research focussed on contamination of soil and/or groundwater from cemetery leachate, but not on contamination of surface water. No rationale was given as to the basis for recommended setbacks of cemeteries from potable water or other water courses, and there is little consistency, between countries and within Canada, in the distances of recommended setbacks.

We found no literature specific to how conditions encountered in far northern Canadian communities, i.e., permafrost, shallow soil, or above-ground burials in cold, dry climates, or impacts of climate change on these conditions, affects decomposition of bodies. Furthermore, there is a lack of information about the amount of formaldehyde used in embalming fluids. Consideration should be given to individual assessment of hydrography, typography, and soil conditions when siting or extending a cemetery site. There is a need for further research to address these gaps, in particular in light of how climate change may impact burial conditions and potentially affect surface water contamination.

Summary

In Canada and abroad, according to regulations and bylaws, cemetery setback distances vary and range from 250 m (e.g., WHO, UK Government, Scottish EPA) to 100 m in Saskatchewan and 120 m in BC. An anomaly is a recommendation of 30 m from the Ministry of Environment and Energy, Canada.^{1,10} None of these sources of information provided a rationale for the distances given.

Some of the literature did consider the decomposition process of human bodies, including bacteria, viruses, and other pathogens that may be contained within a body and how long they can survive under various conditions. Hydrology and topography were often mentioned as having an impact on decomposition. Cemetery size and number of burials impacted leachate quantity. Such factors would determine the adequacy of specific setbacks.

Importantly, microorganism die-off rates increase with increasing temperature.⁴ In the context of Canadian communities located in the far north, which, for many months of the year remain very cold and dry, buried human remains are unlikely to pose much of a public health risk via surface water contamination. However, these same frozen conditions may allow for extended survival of microbial pathogens. Permafrost will act as a barrier to seepage to groundwater, the water table, and surrounding soils.

In light of the above-ground burials that sometimes occur in small communities, risk to drinking water derived from surface water could be evident in warmer months when thawing allows decomposition to occur. It would be prudent to examine maps of surface water courses, and consider impacts of climate change on permafrost thaw on these water courses when planning cemetery extensions or new cemeteries.

To conclude, no rationale was found to explain the chosen setback distances from cemeteries to prevent contamination of water sources from leachates. No two cemetery sites are the same in regards to topography, climate, hydrology, etc., and as such, each individual site should be investigated to ensure setback distances are adequate.

Table 1. Different setback distances from various sources. A dash (-) indicates no information was found.

Potable water source, e.g., well, borehole, spring	Other springs or watercourses, field/land drains	Plot depth above a water table	Country
250 m distance; greater if cemetery site is steep, or high velocity of groundwater flow	10 m	1 m above water table	World Health Organization, Regional Office for Europe ³
250 m distance	30 m from water not used for human consumption or food preparation; 10 m from field drains	1 m above water table	United Kingdom ^{16,17}
250 m distance	50 m from other water or water courses; 10 m from field drains	1 m above water table	Scotland ⁵
-	-	0.7 m above water table	Germany Schrapf (1972) ³ in Formanek (1997)
15 – 90 m depending on water use	-	-	USA ¹⁵
(for private property) 61 m from potable water. No regulations for public cemeteries in Alaska	-	-	Alaska, USA ¹⁸
30 m distance from a well or any surface water	-	0.5 m above water table	Canada (recommendation only) ^{1,10}
-	-	-	City of Whitehorse, Yukon Territory, Canada ¹⁹
-	-	-	City of Yellowknife, Northwest Territories, Canada ²⁰
100 m from a watercourse or well	-	-	Saskatchewan, Canada ²¹
120 m from a well	-	-	British Columbia, Canada ²²
120 m from a well	-	-	Municipality of Whistler, British Columbia, Canada ²³
122 m from a well	-	-	Vancouver Island ²⁴

Acknowledgements

We acknowledge the individuals with experience in cemetery regulations for their valued input in sharing their expertise and knowledge; and Dr. Tom Kosatsky, Scientific Director of National Collaborating Centre for Environmental Health (NCCEH) and Director for Environmental Health Services Division at the BCCDC, Dr. Lydia Ma, Manager, NCCEH, and Dr. Helen Ward, Environmental Health Scientist, NCCEH, for their valuable feedback.

References

1. Formanek P. An assessment of groundwater contamination at cemetery sites. Kingston, ON: Queens' University, 1997. Available from: http://www.collectionscanada.gc.ca/obj/s4/f2/dsk2/tape17/PQDD_0007/M028197.pdf
2. Fiedler S, Breuer J, Pusch CM, Holley S, Wahl J, Ingwersen J, et al. Graveyards - special landfills. *Sci Total Environ*. 2012 Mar; 01,419:90-7. Available from: <https://www.ncbi.nlm.nih.gov/pubmed/22285086>
3. Engelbrecht J. Groundwater pollution from cemeteries [biennial conference], May 4-7. Cape Town, SA: Water Institute of South Africa, 1998. p. 1-8.
4. Üçisik AS, Rushbrook P. The impact of cemeteries on the environment and public health: an introductory briefing. Copenhagen, Denmark: World Health Organization, Regional Office for Europe, 1998. Available from: [http://apps.who.int/iris/bitstream/10665/108132/1/EUR_ICP_EHNA_01_04_01\(A\).pdf](http://apps.who.int/iris/bitstream/10665/108132/1/EUR_ICP_EHNA_01_04_01(A).pdf)
5. Scottish Environment Protection Agency. Guidance on Assessing the Impacts of Cemeteries on Groundwater. Scotland: EPA, 2015. Available from: https://www.sepa.org.uk/media/143364/lups_gu32_guidance-on-assessing-the-impacts-of-cemeteries-on-groundwater.pdf
6. Santarsiero A, Cutilli D, Cappiello G, Minelli L. Environmental and legislative aspects concerning existing and new cemetery planning. *Microchem J*. 2000; 2000/12/01; 67(1):141-5. Available from: <http://www.sciencedirect.com/science/article/pii/S0026265X00001107>
7. Oliveira B, Quinteiro P, Caetano C, Nadals H, Arroja L, Ferreira da Silva E, et al. Burial grounds' impact on groundwater and public health: an overview. *Water Environ J*. 2012; 27(1):99-106. Available from: <http://dx.doi.org/10.1111/j.1747-6593.2012.00330.x>
8. Santarsiero A, Minelli L, Cutilli D, Cappiello G. Hygienic aspects related to burial. *Microchem J*. 2000; 2000/12/01; 67(1):135-9. Available from: <http://www.sciencedirect.com/science/article/pii/S0026265X00001090>
9. Schraps W. Die Bedeutung der filtereigenschaften des bodens für die anlage von friedhöfen. *Mitteilungen Deutsche Bodenkundl*, 1972
10. Soo Chan G, Scafe M, S E. Cemeteries and groundwater: an examination of the potential contamination of groundwater by preservatives containing formaldehyde. Toronto, ON: Ontario Ministry of the Environment, Branch WR, 1992. Available from: <https://archive.org/details/cemeteriesground00chanuoft>
11. Health Canada. Guidelines for Canadian drinking water quality. Ottawa, ON: Health Canada; 2017. Available from: <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/water-quality/guidelines-canadian-drinking-water-quality-summary-table-health-canada-2012.html>
12. Zume JT. Assessing the potential risks of burial practices on groundwater quality in rural north central Nigeria. *J Water Health*. 2011; 609-16. Available from: <http://jwh.iwaponline.com/content/ppiwajwh/9/3/609.full.pdf>
13. Sponberg AL, Becks PM. Inorganic soil contamination from cemetery leachate. *Water Air Soil Pollut*. 2000; 117(1):313-27. Available from: <http://dx.doi.org/10.1023/A:1005186919370>
14. Vonk J, Tank S, Bowden W, Laurion I, Vincent W, Alekseychik P, et al. Reviews and synthesis: effects of permafrost thaw on Arctic aquatic ecosystems. *Biogeosciences*. 2015; 12:7129-67. Available from: <https://www.biogeosciences.net/12/7129/2015/>

15. Grosse G, Goetz S, McGuire A, Romanovsky V, Schuur E. Changing permafrost in a warming world and feedbacks to the earth system. *Environ Res Lett*. 2016;11:040201. Available from: <http://iopscience.iop.org/article/10.1088/1748-9326/11/4/040201>
16. UK Environment Agency. The Environment Agency's approach to groundwater protection. Bristol, UK: Environment Agency; 2017. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620438/LIT_7660.pdf
17. Cemetary Development Services. Greywater management. Bedfordshire, UK: Cemetary Development Services; 2015. Available from: <http://www.cemeterydevelopmentservices.co.uk/greywater-management/>
18. Alaska Division of Environmental Health. Disposal guidance. Juneau, AK: Government of Alaska; 2017 [cited 2017 Jun 8]. Available from: <http://dec.alaska.gov/eh/sw/guidance.html>
19. City of Whitehorse. Cemeteries bylaw 2003-09. (2003). Available from: <http://www.whitehorse.ca/home/showdocument?id=104>
20. City of Yellowknife. Consolidation of cemetery by law no. 3965 (1997). Available from: <https://www.yellowknife.ca/bylaws/Bylaw/Details/b86242e0-2b4f-4d41-a659-15a06eb46b20>
21. Government of Saskatchewan. The Cemeteries Regulations 2001, Chapter C 4 01 Reg 1 as amended by Saskatchewan Regulations 15/2011 and 37/2015. Queen's Printer (2001). Available from: <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/C4-01r1.pdf>
22. Government of British Columbia. Public Health Act Health Hazards Regulation 216/2011. Available from: http://www.bclaws.ca/civix/document/id/complete/statreg/216_2011
23. Municipality of Whistler. Bylaw No. 1788, 2006. Being a bylaw to operate, regulate and maintain the Whistler cemetery. Available from: https://www.whistler.ca/sites/default/files/related/residents/bylaws/1788_-_cemetary_regulations.pdf
24. Vancouver Island Health Authority. Guidelines for the approval of water supply systems. Victoria, BC: VIHA; 2006. Available from: <http://www.viha.ca/NR/rdonlyres/71A5047A-4E40-43A3-A6ED-32C60041FCCC/0/GUIDELINESFORTHEAPPROVALOFWATERWORKS.pdf>

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STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

November 12, 2020

**CERTIFIED MAIL (No. 7018 1130 0002 3179 7200)
RETURN RECEIPT REQUESTED**

CAROL R. MATHERS
ADMINISTRATIVE CONTACT
POTOMAC FARMS WATER CO
432 CARTER AVENUE
HARPERS FERRY, WV 25425

RE: **ADMINISTRATIVE ORDER EE-20-34**
POTOMAC FARMS WATER CO
PWSID #: WV3301947
JEFFERSON County

The Water System is being issued the following Administrative Order (Order) due to failure to comply with the public health laws of the State of West Virginia by the West Virginia Bureau for Public Health, Office of Environmental Health Services (OEHS). The OEHS is authorized to take this enforcement action pursuant to West Virginia Code § 16-1-9 and § 16-1-9a.

The OEHS has determined that the POTOMAC FARMS WATER CO Water System is in violation of the provisions of *West Virginia State Public Water Systems 64 CSR § 3* as incorporated by *Federal Safe Drinking Water Regulations 40 C.F.R. 141*. The Water System was previously informed of the violations listed below and given the opportunity to make corrections to return to compliance. The Water System failed to make the required corrections, necessitating the issuance of this Order.

The OEHS makes the following findings:

1. POTOMAC FARMS WATER CO is the owner of the POTOMAC FARMS public water system (PWS), PWS Identification Number WV3301947, as defined by *West Virginia State Public Water Systems 64 CSR § 3-10*, "a public water system means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals" and "community water system means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents." (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.2*)
2. According to information provided to the OEHS, the System serves approximately 65 persons and has 23 service connections. Therefore, Respondent's System is a "public water system" and a "community water system" as defined by *West Virginia State Public Water Systems 64 CSR § 3-10* and *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.2*.
3. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to maintain a concentration below the maximum contaminant level (MCL) at all times for Nitrate. By failing to maintain a Nitrate concentration below the MCL for the quarterly monitoring periods of 4/1/2012 to 6/30/2020 and 7/1/2020 to 9/30/2020, the Water System violated *64 CSR § 3-10*. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.23*)
4. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for inorganic chemicals (IOC) once every three (3) years. By failing to sample and analyze IOC during the triennial monitoring period of 1/1/2017 to 12/31/2019, the Water System violated *64 CSR § 3-10*. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.23*)
5. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for Arsenic once every three (3) years. By failing to sample and analyze for Arsenic during the triennial monitoring period of 1/1/2017 to 12/31/2019, the Water System violated *64 CSR § 3-10*. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.23*)
6. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for volatile organic chemicals (VOC) once every three (3) years. By failing to sample and analyze for VOC during the triennial monitoring period of 1/1/2017 to 12/31/2019, the Water System violated *64 CSR § 3-10*. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.24*)

7. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for synthetic organic chemicals (SOC) once every three (3) years. By failing to sample and analyze for SOC during the triennial monitoring period of 1/1/2017 to 12/31/2019, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.24*)
8. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for Total Trihalomethanes (TTHM) once per year at the approved location. By failing to sample and analyze for TTHM during the annual monitoring period of 1/1/2018 to 12/31/2018, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulation 40 C.F.R. § 141.629*)
9. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for Total Trihalomethanes (TTHM) once per quarter at the approved location. By failing to sample and analyze for TTHM during the quarterly monitoring periods of 1/1/2019 to 3/31/2019, 4/1/2019 to 6/30/2019, 7/1/2019 to 9/30/2019, 10/1/2019 to 12/31/2019, 1/1/2020 to 3/31/2020, and 4/1/2020 to 6/30/2020, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulation 40 C.F.R. § 141.629*)
10. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for Total Haloacetic Acid (HAA5) once per year at the approved location. By failing to sample and analyze for HAA5 during the annual monitoring period of 1/1/2018 to 12/31/2018, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulation 40 C.F.R. § 141.629*)
11. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to sample and analyze for Total Haloacetic Acid (HAA5) once per quarter at the approved location. By failing to sample and analyze for HAA5 during the quarterly monitoring periods of 1/1/2019 to 3/31/2019, 4/1/2019 to 6/30/2019, 7/1/2019 to 9/30/2019, 10/1/2019 to 12/31/2019, 1/1/2020 to 3/31/2020, and 4/1/2020 to 6/30/2020, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulation 40 C.F.R. § 141.629*)
12. *West Virginia State Public Water Systems 64 CSR § 3-10* require a public water system to conduct monitoring and reporting for lead and copper (Pb/Cu) once every three (3) years. By failing to sample and analyze for Pb/Cu during the triennial monitoring period of 1/1/2017 to 12/31/2019, the Water System violated 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulations 40 C.F.R. §§ 141.86 and 141.90*)

13. *West Virginia State Public Water Systems 64 CSR § 3-10* require the Water System to submit completed Consumer Confidence Reports (CCR) once per year. By failing to submit a completed CCR for the annual reporting period of 1/1/2019 to 12/31/2019, the Water System violated *64 CSR § 3-10*. (See *Federal Safe Drinking Water Regulations 40 C.F.R. §§ 141.151-141.155*)

Pursuant to the above findings, OEHS issues the following Order for Compliance:

1. The Water System shall, within thirty (30) days of receipt of this Order, submit a corrective action plan, including schedule to comply with the requirement of *64 CSR § 3-10* by reducing the Nitrate concentration below the Nitrate MCL. (See *Federal Safe Drinking Water Regulations 40 C.F.R. §§ 141.23*)
2. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of *64 CSR § 3-10* by sampling and analyzing for IOC. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.23*)
3. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of *64 CSR § 3-10* by sampling and analyzing for Arsenic. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.23*)
4. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of *64 CSR § 3-10* by sampling and analyzing for VOC. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.24*)
5. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of *64 CSR § 3-10* by sampling and analyzing for SOC. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.24*)
6. The Water System shall comply with *West Virginia State Public Water Systems 64 CSR § 3-10* by monitoring for TTHM during the month of November 2020. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.134*)
7. The Water System shall comply with *West Virginia State Public Water Systems 64 CSR § 3-10* by monitoring for HAA5 during the month of November 2020. (See *Federal Safe Drinking Water Regulations 40 C.F.R. § 141.134*)

8. The Water System shall, during the month of December 2020, conduct tap water monitoring for Pb/Cu in accordance with the requirements of 64 CSR § 3-10. (See *Federal Safe Drinking Water Regulations 40 C.F.R. §§ 141.86 and 141.90*)
9. The Water System shall, within thirty (30) days of receipt of this Order, comply with 64 CSR § 3-10 by submitting the annual CCR for the year of 1/1/2019 to 12/31/2019. (See *Federal Safe Drinking Water Regulations 40 C.F.R. §§ 141.151-141.155*)
10. The Water System shall submit the required sampling analysis data results, required reports, and/or plans for returning to compliance to: **Bureau for Public Health, Office of Environmental Health Services, Environmental Engineering Division, Attention: Compliance & Enforcement, 350 Capitol Street, Room 313, Charleston, WV 25301-3713.** Include a completed copy of Attachment A with each Administrative Order program plan, data result, and/or required report submittal.

Please review this Order carefully as it requires specific action by the water system. Failure to comply with this Order will result in further enforcement action by this Office, up to and including civil penalties and/or criminal charges.

Questions regarding the Order should be directed to Dan Mace, Office of Environmental Health Services, 350 Capitol Street, Room 313, Charleston, WV 25301-3713 or by phone at 304-356-4326.

This Order becomes effective on the date issued below.

ISSUED BY:  DATED: 11-12-2020
Michelle L. Cochran, Director
Office of Environmental Health Services

pc: Andy Dinsmore, SDWA/Wetlands Section Chief, Enforcement Division, U.S. EPA
Anye Amjad, MD, MPH, Commissioner and State Health Officer
David Acord, Director, Water and Wastewater Division, WV Public Service Commission
Jane M. Tabb, President, JEFFERSON County Commission
Gillian Beach, Sanitarian, JEFFERSON County Health Department
Britt Ludwig, WV BPH General Counsel

EFFECT ON OTHER PERMITS AND LAWS

This Order in no way relieves the Water System of the responsibility to comply with other permits issued to the Water System by the OEHS or other government agencies or to comply with other federal, state, or local laws. Compliance with this Order is not a defense to any action commenced pursuant to such other authorities. Issuance of this Order does not prohibit the OEHS from taking other civil or criminal action authorized under the law.

ADMINISTRATIVE DUE PROCESS

The Water System has the right to request a contested case hearing if it wishes to challenge this enforcement action. If the Water System chooses to request a hearing, it must submit a written request to this Office within thirty (30) calendar days of receipt of this Order.

CAROL R. MATHERS
POTOMAC FARMS WATER CO
Order No EE-20-34
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ATTACHMENT A: DATA MANAGEMENT COVER SHEET
ADMINISTRATIVE ORDER NO EE-20-34
WEST VIRGINIA BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL ENGINEERING DIVISION

Attention Owner/Operator: Each Administrative Order data submission requires completed copy of Attachment A to receive credit.

PWSID No: WV3301947

PWS Name: POTOMAC FARMS WATER CO

Data Submitted: _____

Data Submitted by: _____

Date Submitted: ____/____/____

DO NOT WRITE BELOW THIS LINE, FOR OFFICE USE ONLY:

Date Received by C&E Office Assistant/Initials ____/____/____ _____

Date Received by C&E Compliance Officer/Initials ____/____/____ _____

Date Data Entered by Data Management/Initials ____/____/____ _____