

Minutes

Jefferson County Commission

Thursday, June 5, 2025

A meeting of the Jefferson County Commission was held on Thursday, June 5, 2025, during the second quarterly session at 9:30 a.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Nathan Cochran, Assistant Prosecuting Attorney; and Lynn Dillow, Administrative Clerk. The archived meeting of the Thursday, June 5, 2025, meeting is available on the Jefferson County Commission website.

Moment of Silence

Pledge of Allegiance

Pledge of allegiance to the West Virginia flag

APPROVAL OF MINUTES

Commissioner Majdi motioned to approve the meeting minutes for:

May 15, 2025 Regular Meeting Minutes DRAFT

The motion was approved unanimously.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER	VENDOR NAME	UNCLEARED
92509	AHA-ARTS & HUMANITIES ALLIANCE	1,552.95
92510	ALICE N PAINTER	48.00
92511	AT&T MOBILITY - CC	1,354.32
92512	AT&T BILL PAYMENT	1.33
92513	ATLANTIC OCCUPSYCH INC.	3,400.00
92514	BERKELEY GLASS INC	815.00
92515	BEST BEST & KRIEGER LLP	3,269.00
92516	CENTRAL ELEVATOR INSPECTION SERVICES LLC	850.00
92517	CITIZENS VOLUNTEER FIRE DEPARTMENT	3,400.00
92518	DAVID EVERETT BOOBER	534.30

92519		DOING BETTER BUSINESS	900.66
92520		EMILY MORROW	114.80
92521		GUTTMAN OIL CO	5,613.91
92522		JACQUELINE SHADLE	48.00
92523		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	2,299.54
92524		JEFFERSON CO CONVENTION AND VISITORS BUREAU	38,823.85
92525		JEFF CO PARKS & RECREATION COMMISSION	34,971.36
92526		MARNEY TREESE	650.00
92527		MICHAEL CARDEN	48.00
92528		MINUTEMAN PRESS	582.20
92529		NATIONAL VISION ADMIN.	507.90
92530		PRIORITY DISPATCH	455.00
92531		DR. ROBERT E. JONES III	1,000.00
92532		SHEPHERDSTOWN VOLUNTEER FIRE DEPARTMENT	1,600.00
92533		WV ASSOCIATION OF COUNTY CLERKS	650.00
TOTAL			103,490.12

Commissioner Majdi motioned to approve the accounts payable for May 29, 2025 in the amount of \$ 103,490.12. The motion was approved unanimously.

CHECK NUMBER	VENDOR NAME	UNCLEAR D
92535	ADVANCE AUTO PARTS	300.68
92536	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	1,876.68
92537	AMERIFLEX	122.40
92538	ATLANTIC EMERGENCY SOLUTIONS, INC.	222.24
92539	BRIAN RISTON	151.00
92540	BUREAU OF CHILD SUPPORT	1,068.93
92541	CASTO & HARRIS INC	2,328.74
92542	COLONIAL LIFE	95.68
92543	COMPTROLLER OF MARYLAND	1,259.72
92544	DAVID M. CARTER	168.00
92545	EFTPS IRS TAXES	169,146.74
92546	EMPOWER RETIREMENT	10,536.27
92547	FRONTIER	136.56
92548	GUTTMAN OIL CO	5,388.37
92549	HIGHMARK WV	215,172.73
92550	J.D. POWER & ASSOC	404.00
92551	JEFFERSON COUNTY DEVELOPMENT AUTHORITY	26,250.00
92552	JEFFERSON SECURITY BANK	3,953.00
92553	MARCIA LYNN CHANDLER	419.65
92554	MCA, INC	1,452.82

92555		MCKESSON MEDICAL-SURGICAL GOVERMENT SOLUTIONS LLC	6,813.50
92556		MICHAEL BRADLEY	151.00
92557		MONROE SYSTEMS FOR BUSINESS	131.87
92558		NATIONAL VISION ADMIN.	1,587.58
92559		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
92560		OBSESSION AUTOMOTIVE	734.19
92561		PA SCDU	320.00
92562		POTOMAC EDISON	33,669.28
92563		RACHEL PIERCE	70.00
92564		RETIREE HEALTH BENEFIT TRUST	16,347.00
92565		ROBERTS OXYGEN COMPANY, INC	69.29
92566		ROBIN MULLIKIN	310.00
92567		ROGER GOODWIN	168.00
92568		SPIRIT OF JEFFERSON	6,232.08
92569		STATE TAX DEPARTMENT	250.00
92570		SUMMIT COMMUNITY BANK	218.60
92571		THE HARTFORD	2,514.60
92572		THE HARTFORD	3,791.22
92573		THOMAS HANSEN	73.49
92574		TRAVIS WHEAT	310.00
92575		US POSTAL SERVICE	244.00
92576		USPS-POC	20,000.00
92577		W B MASON CO. INC	99.40
92578		WITMER PUBLIC SAFETY GROUP INC	399.00
92579		WV DEPUTY SHERIFF RETIREMENT SYSTEM	27,574.69
92580		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	46,567.08
92581		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	165.60
92582	AM/053	SHERIFF OF JEFFERSON COUNTY	1,850.23
TOTAL			612,180.91

Commissioner Majdi motioned to approve the accounts payable for June 5, 2025, in the amount of \$ 612,180.91. The motion was approved unanimously.

APPROVAL OF MANUAL CHECKS

May 29, 2025				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
1243	AV/056	PRINT-O-STAT		199.50

TOTAL				199.50

Commissioner Majdi motioned to approve the manual checks for May 29, 2025, in the amount of \$ 199.50. The motion was approved unanimously.

		June 5, 2025		
		OTHER FUNDS		
Check #	Fund	Vendor		Amount
965	HD/008	SATELITTE TRACKING OF PEOPLE LLC		1828.6
1244	AV/056	PRINT-O-STAT		66.34
406	AR/207	SHERIFF OF JEFFERSON COUNTY		2,832.14
444	SF/073	CUMBERLAND CYCLES		5,600.00
1020	CW/059	WV STATE AUDITOR		505.00
1021	CW/059	WV STATE POLICE ACCT OFFICE		15.00
425	WV/369	SHERIFF OF JEFFERSON COUNTY		640.00
TOTAL				11,487.08

Commissioner Majdi motioned to approve the manual checks for June 5, 2025, in the amount of \$ 11,487.08. The motion was approved unanimously.

APPROVAL OF PAYROLL

Commissioner Majdi motioned to approve the payroll for May 23, 2025, in the amount of \$ 434,549.30. The motion was approved unanimously.

APPROVAL OF REQUISITIONS

REQUISITIONS TO BE APPROVED**June 5, 2025**

DEPARTMENT	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
JCESA	25108	\$ 14,928.30	BJ's Embroidery Co.	uniform pants
	25109	\$ 40,152.14	Stryker Medical	7 AEDs
	25113	\$ 20,720.67	Atlantic Emergency Solutions	scba mask, gas meter, therm imager
	25114	\$ 6,790.00	Top Gun Sealcoating, LLC	seal coating/line stripping/line removal
	25115	\$ 7,941.28	Bound Tree Medical	equipment bags
	25116	\$ 31,765.30	Bound Tree Medical	video laryngoscope & various sz blades
	25117	\$ 16,554.41	Motorola Solutions	radio & accessories for new truck
	25118	\$ 22,200.00	MD Fire Equipment Corp.	class A uniforms for staff
	25120	\$ 14,313.03	Pediatric Emergency Standards	Handtevy Pediatric System/License
	25122	\$ 7,900.00	Century Ford of Mt. Airy	Replacement Sensors #1106
IT/GIS	25112	\$ 83,021.00	Aviat U.S. Inc.	Shepherd Tower
COUNTY COMMISSION	25110	\$ 5,520.00	Fox & Associates	land title survey - 330 N. George
ASSESSOR	25111	\$ 12,068.32	WV State Tax Department	statewide computer network useage - 3rd qtr.
GRAND TOTAL		\$ 283,874.45		

Commissioner Majdi motioned to approve the requisitions for June 5, 2025, in the amount of \$ 283,874.45. The motion was approved unanimously.

PUBLIC COMMENT:

Public comment was received by:

Stacy Chapman	David Tabb
Tamara Thompson	Ann Paonessa
Troy Miller	Giuliana Brogna
Christine Wimer	Brown Truslow
Colin Stine	

PRESENTATIONS

1. Rhonda Willingham, Chief Deputy Assessor

Signatures for the Certificate of Oaths for the land and personal property books

Commissioner Stolipher motioned to approve the signatures for the Certificate of Oaths for the land and personal property books as presented by Mrs. Banks. The motion was seconded by Commissioner Keys. The motion was approved unanimously.

2. Lynn Dillow, Clerk of Administration, Finance and Human Resources

Years of Service Awards

Years of Service Awards were presented to:

Jennilee Hartman, 22 years, Department of Planning and Zoning
Alice Painter, 20 years, County Clerk's Office
Rhonda Greenholtz, 11 years, Department of GIS/IT
Edith Cooper, 10 years, Circuit Clerk's Office
Julie Myers, 1 year, Jefferson County Sheriff's Office
Kaylie Ganoë, 1 year, Jefferson County Sheriff's Department
Colin Graham, 1 year, Emergency Services Agency, Firefighter/Paramedic

3. Boards and Commission Appointments

Public Defender Corporation for the 28th Judicial Circuit

Commissioner Mood motioned to appoint Gail Boober as a director of the Public Defender Corporation for the 28th Judicial Circuit for a term expiring July 1, 2027. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Commissioner Keys motioned to appoint Jim Auxer as a director of the Public Defender Corporation for the 28th Judicial Circuit for a term expiring July 1, 2028. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Jefferson County Water Advisory Committee bylaws update to fix a typo regarding quorum

The agenda item was rescheduled for the next regular scheduled meeting on July 3, 2025.

Jefferson County Water Advisory Committee interviews and appointments

Commissioner Stolipher motioned to appoint Alexis Davy to the staff member seat on the Water Advisory Committee for a term ending July 1, 2028. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to appoint Will Smith to the staff member of the Jefferson County Department of Engineering, Planning and Zoning seat on the Water Advisory Committee for a term ending July 1, 2028. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Keys motioned to appoint Kristin Stolipher to the staff member of the Charles Town Utility Board seat on the Water Advisory Committee for a term ending July 1, 2028. The motion was seconded by Commissioner Mood. *Commissioner*

Stolipher recused himself from consideration and voting for this appointment. The motion was approved by a vote of (4-0).

The following candidates were interviewed for the remaining positions on the Water Advisory Committee:

- Mary Sell
- Margaret Liskey
- Nathaniel Hitt
- Daniel Hayes
- Marta Beck

Commissioner Keys motioned to appoint Nathaniel Hitt to a resident seat on the Water Advisory Committee for a term ending July 1, 2026. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to appoint Mary Sell to a resident seat on the Water Advisory Committee for a term ending July 1, 2028. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Mood motioned to appoint Margaret Liskey to a resident seat on the Water Advisory Committee for a term ending July 1, 2027. The motion was seconded by Commissioner Keys. The motion was approved (5-0).

Commissioner Hefestay motioned to appoint Mike Mood to a County Commissioner seat the Water Advisory Committee for a term ending January 1, 2027. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

4. Dawn Newell, Water Use Program Manager of Division of Water and Waste Management, West Virginia Department of Environmental Protection; Erin Brittain, Program Manager, Office of Environmental Remediation, Division of Land Restoration

Presentation

The agenda item was a presentation only. No action was taken.

5. Senator Jason Barrett and Delegate Joe Funkhouser

Presentation regarding well-monitoring legislation

The agenda item was a presentation only. No action was taken.

6. Roger Goodwin and Michelle Mason-Engineering, Planning and Zoning Department; Benjamin Griffin, Tischler-Bise

Impact Fees 2024 Recalculation Study-Possible Adoption of Revised Administrative Facilities Fee

Commissioner Stolipher motioned to accept the amended May 20, 2025 impact fee study for Administrative Facilities. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Adoption of Administrative Facilities Impact Fee Ordinance setting new impact fee rates

Commissioner Stolipher motioned to approve the adoption of an ordinance providing for the imposition of a county administrative facilities impact fee on all new residential and non-residential development as amended on May 20, 2025, effective June 5, 2025 as presented. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Zoning Map Amendment request-Shepherdstown District, Map 8B, Parcel 130

Commissioner Mood motioned to accept landowner petition for map amendment for Hoxton Center, LLC Parcel 130 on map 8B in the Shepherdstown District, and schedule a public hearing at the county commission meeting on July 17, 2025 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan. The motion was seconded by Commissioner Stolipher. *Commissioner Keys recused from consideration and voting on this agenda item.* The motion was approved (4-0).

Forestar Real Estate Group, INC-Stonecrest file #22-11-SD request for bond reduction

Commissioner Stolipher motioned to approve the partial bond release for Performance Bond 4468699 with SureTec Insurance Company for Forestar Real Estate Group, INC-Stonecrest subdivision file #22-11-SD as presented. The motion was seconded by Commissioner XXX. The motion was approved unanimously.

Maine Drilling & Blasting, INC-file #21-10-SP complete bond release

Commissioner Stolipher motioned to approve the complete bond release for Performance Bond 0236167 with Berkeley Insurance Company for Main Drilling & Blasting, INC – Burr Business Park lot 17 file #21-10-SP as presented. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Fellowship Bible Church – Phase 1A file # S14-03 complete bond release

Commissioner Stolipher motioned to approve the complete bond release for Irrevocable Letter of Credit 522468 with Jefferson Security Bank for Fellowship Bible Church – Phase 1A file #S14-03 as presented. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Wall Street Partners WV 1 LLC – Harpers Ferry Dollar General file #22-14-SP complete bond release

Commissioner Keys motioned to approve the complete bond release for Irrevocable Letter of Credit 5394051 with United Bank –Dollar General Harpers Ferry file #22-14-SP complete bond release as presented. The motion was seconded by Commissioner Mood. *Commissioner Stolipher recused himself from consideration and voting on this agenda item.* The motion was approved by a vote of (4-0)

7. Edwina Benites-LM, County Administrator; Laura Kuhn, Fleet & Facilities Director

Presentation: Overview of the purchase of 393 N. Lawrence and 330 N. George Streets

The agenda item was a presentation. No action was taken.

8. Order approving the issuance by the Jefferson County Building Commission

Consideration of and action on Order approving the issuance by the Jefferson County Building Commission of not more than \$16,000,000 in aggregate principal amount of Jefferson County Building Commission Lease Revenue Bonds (Jefferson County Government and Judicial Complex Project), Series 2025 (the “Bonds”), and the acquisition of the real estate together with the improvements thereon located at 393 North Lawrence Street and 330 North George Street, Charles Town, West Virginia (the “Property”), the proceeds of such Bonds to be used (i) to finance costs of the acquisition, design, construction, renovation, improvement, furnishing and equipping of the Property; and (ii) to pay issuance and other costs in connection therewith, and authorizing the execution of a Lease Agreement by and between the Jefferson County Building Commission (the “Building Commission”), as Lessor, and The County Commission of Jefferson County (the “County Commission”), as Lessee, a Bond Purchase Agreement by and among the Building Commission, the County Commission and Carty, Harding and Hearn, Inc., as the Underwriter for the Bonds, and other documents and the taking of other actions in connection therewith.

Commissioner Stolipher motioned to approve the order approving the issuance by the Jefferson County Building Commission as presented. The motion was seconded by Commissioner Keys. The motion passed unanimously.

9. Adam Ward, Assistant Prosecuting Attorney

Approval of Hire – Assistant Prosecuting Attorney-Prosecuting Attorney’s Office

Commissioner Stolipher motioned to approve the hiring of Timothy Helman as a full time exempt Assistant Prosecuting Attorney at a salary of \$128,000.00 to begin working on June 9, 2025. The motion was seconded by Commissioner Keys. The motion was approved unanimously.

Approval of Hire-Legal Intern-Prosecuting Attorney's Office

Commissioner Stolipher motioned to approve the hiring of Michael Hellstern as a part time legal summer intern at a rate of \$20.00 per hour with a cap of 35 hours per week to begin working on June 9, 2025. The motion was seconded by Commissioner Hefestay and approved unanimously.

10. Nikki Painter, Jefferson County Clerk's Office

Approval of Depository Bonds for Fiscal Year 2026

Commissioner Stolipher motioned to approve the Depository Bonds for fiscal year 2026 as presented. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

11. Debbie Lowe, Jefferson County Sheriff 's Department

Approval of Hire – Part-time Bailiffs – Jefferson County Sheriff's Office

Commissioner Stolipher motioned to approve the hire of Tiffany Counselman as a part-time bailiff beginning 6/9/25 with a starting salary of \$17.50/hr. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Dustin Miller as a part-time bailiff beginning 6/9/25 with a starting salary of \$17.50/hr. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

FY26 Pay Rates

Commissioner Majdi motioned to approve the FY26 pay plan as presented that will be instituted July 1, 2025, and to send letters to all elected officials regarding their budget details. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

COPS Hiring Grant

Commissioner Mood motioned to authorize the Sheriff's Office through their Grant Manager, Deborah Lowe, to digitally apply for the COPS Hiring Grant. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Commissioner Mood motioned to approve that the Sheriff's Office apply for 1 new deputy positions through the grant. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

12. Jessica James, Chief Human Resource Officer

Approval of Employee Change in Status – 70 to 80 hours – Department of Engineering, Planning and Zoning

Commissioner Keys motioned to approve the change in work hours from 70-hours per pay period to 80-hours per pay period for Mason Carter, Ryan Mose, and Madeline Stephenson within the Department of Engineering, Planning, and Zoning effective June 9, 2025. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Approval of Hire – Building Plan Reviewer/Inspector – Department of Engineering, Planning, and Zoning

Commissioner Majdi motioned to approve the hire of Stephen Pforr for the Grade V, full-time, 80-hour position of Building Plans Reviewer/Inspector within the Jefferson County Department of Engineering, Planning, and Zoning at a salary of \$57,000, effective June 16, 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Approval of Hire – Office Assistant – Department of Fleet and Facilities Management

Commissioner Stolipher motioned to approve the hire of Rachel Golden for the Grade II, full-time, 80-hour position of Office Assistant within the Department of Fleet and Facilities Management, at a salary of \$40,000, effective June 23, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Approval of Hires – FF/EMTS (4-7) – Emergency Services Agency

Commissioner Stolip motioned to approve the hire of Joshua Smith as a full-time Firefighter/EMT I with the Jefferson County Emergency Services Agency, at a rate of \$20.65/hr., effective June 16, 2025, and after introductory period and completion of necessary requirements, promote to Firefighter/EMT II at a rate of \$21.17/hr. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Makenzie Shanholtz as a full-time Firefighter/EMT I with the Jefferson County Emergency Services Agency, at a rate of \$20.65/hr., effective June 16, 2025, and after introductory period and completion of necessary requirements, promote to Firefighter/EMT II at a rate of \$21.17/hr. The

motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Bryce Danko as a full-time Firefighter/EMT I with the Jefferson County Emergency Services Agency, at a rate of \$20.65/hr., effective June 16, 2025, and after introductory period and completion of necessary requirements, promote to Firefighter/EMT II at a rate of \$21.17/hr. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Devvin Nimmo Shanholtz as a full-time Firefighter/Paramedic I with the Jefferson County Emergency Services Agency, at a rate of \$27.25/hr., effective June 16, 2025, and after introductory period and completion of necessary requirements, promote to Firefighter/Paramedic II at a rate of \$27.93/hr. The motion was seconded by Commissioner Keys. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Renee McConnell as a full-time Firefighter/Paramedic I with the Jefferson County Emergency Services Agency, at a rate of \$28.29/hr., effective June 16, 2025, and after introductory period and completion of necessary requirements, promote to Firefighter/EMT II at a rate of \$29.00/hr. The motion was seconded by Commissioner Keys. The motion was approved unanimously.

Approval of Promotion – Firefighter/Advanced EMT III – Emergency Services Agency

Commissioner Stolipher motioned to approve the promotion of James West as a full-time Firefighter/Advanced EMT II to Firefighter/Advanced EMT III at a pay rate of \$25.30/hr., effective June 1, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Correction of Clerical Error – Department of Emergency Communications

Commissioner Keys motioned to approved correction of clerical error and issue a lump sum payment of 335.46 to Matthew Buchwitz for wages due for time worked between April 21, 2024 – June 30, 2024. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Approval of Temporary Assignment and Associated Increase – Department of IT and GIS

Commissioner Stolipher motioned to appoint Brian McKinney, current deputy director of the Department of IT and GIS to the position of interim Chief Technology Officer, effective May 30, 2025 and, in accordance with Jefferson County Policy 212- Compensation During Temporary Assignment-provide the temporary salary increase to \$80,179, effective June 2, 2025 with a lump sum payment of \$19.92 for hours worked on

Friday_May 30, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously

Approval of Promotion – Chief Deputy of Personal Property – Assessor’s Office

Commissioner Majdi motioned to approve the promotion of Rachel Silveous to the full-time position of Chief Deputy of Personal Property for the Jefferson County Assessor’s Office at a salary of \$62,000 effective July 1, 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously

Approval of Cost of Living Adjustments (COLA) and Merit Increases for Elected Offices

Commissioner Majdi motioned to approve the cost-of-living adjustments and merit increases for the Jefferson County Offices of Assessor, Prosecuting Attorney, Sherriff, County Clerk, and Circuit Clerk, as presented, effective July 1, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously

13. Laura Kuhn, Director of Fleet and Facilities

Request for approval of the Segra Master Service Agreement for the Cisco Telephone System

Commissioner Mood motioned to approve the Master Service Agreement with Segra for the migration of the county’s telephone and fax systems to Cisco phones. The motion was seconded by Commissioner Keys. The motion was approved unanimously

14. David Bound, Chief Financial Officer, presented by Edwina Benites-LM, County Administrator

Adjust FY25 budget items for funding prior to June 13, 2025 WV SAO cutoff

Commissioner Stolipher motioned to accept the budget adjustments as presented for Departments 401, 404, 405, 406 and 711 the FY25 department expense accounts as they are budget neutral. The motion was seconded by Commissioner Mood. The motion was approved unanimously

Revisit Sheriff’s FY26 pay rates

Commissioner Mood motioned to table discussion regarding the budget adjustments for Department 700 with the Sheriff’s Department at the next commission meeting on July 3, 2025. The motion was seconded by Commissioner Keys. The motion was approved unanimously.

15. Nathan Cochran, Assistant Prosecuting Attorney

Discussion and advice from counsel regarding ongoing Opioids Litigation and related issues

The agenda item was rescheduled to a later date to be determined due to a scheduling conflict.

16. Edwina Benites, County Administrator

WV Corp Renewal Options

Commissioner Keys motioned to approve carrying the Mortuary Endorsement as presented by staff. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to approve total county with Excess General and Public Officials Liability at a total of \$2 million. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

HR Series Classes

The agenda item was informational. No action was taken.

Planning Commission emails

Commissioner Keys motioned to approve the creation of Planning Commission emails and implement training for Planning Commission members in the fall after the software transfer. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for county office space and/or courthouse space.

Commissioner Stolipher motioned to enter into executive session to receive legal advice at 4:46 p.m. The motion was seconded by Commissioner Mood and approved unanimously.

Commissioner Mood motioned to return to regular session at 5:40 p.m. The motion was seconded by Commissioner Hefestay and approved unanimously.

Adjourn

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 5:40 p.m.

Pasha Majdi, PRESIDENT

Respectfully submitted
Jacqueline C. Shadle
Jefferson County Clerk

DRAFT

UNOFFICIAL TRANSCRIPT

County Commission Meeting June 5, 2025

Agenda Items # 4 and 5

Disclaimer: Please be advised that the Zoom transcription is automatically generated and may contain errors. Review the audio recording for complete accuracy.

Dawn Newell, Water Use Program Manager of Division of Water and Waste Management
WV Department of Environmental Protection

Erin Brittain, Program Manager Office of Environmental Remediation,
Division of Land Restoration
WV Department of Environmental Protection

WV State Senator Jason Barrett

WV Delegate Joe Funkhouser

751

01:49:54.960 --> 01:49:56.590

JCC Zoom: Alright. Could you let them know? We'll be right back

752

01:50:04.460 --> 01:50:21.019

JCC Zoom: reconvening after a brief break.

753

01:50:21.340 --> 01:50:29.959

JCC Zoom: So we have 2 very special guests today. This is a commission, 1st to a presentation from 2 experts

754

01:50:30.330 --> 01:50:53.669

JCC Zoom: in Charleston, from the State Department of Environmental Protection. First, st we have Don Newell Water use program manager of division of water and waste management. And we also have Erin Brittain. Please correct me if I've mispronounced your name, program, manager, office of environmental remediation within the division of Land Restoration, and I'm going to hand it to you both. But first, st just to explain for the public

755

01:50:54.410 --> 01:51:14.000

JCC Zoom: how this came to be. The Commission sent a letter to Director Jeremy Bandy. He is the agency director, the division in water and waste management, and that letter is in your packet. It's for public consumption, and the letter asks about.

756

01:51:15.460 --> 01:51:21.300

JCC Zoom: I'll summarize in 5 seconds or less water quantity and water quality in Jefferson County.

757

01:51:21.450 --> 01:51:25.329

JCC Zoom: In response, we receive a letter from

758

01:51:26.210 --> 01:51:30.089

JCC Zoom: department environmental protection. May 30, th 2025

759

01:51:30.610 --> 01:51:45.239

JCC Zoom: from Director Bandy. That is also in your packet. Very helpful information. And our 2 subject matter experts volunteered to come and present to the Commission, so we can provide this information to the public

760

01:51:45.240 --> 01:52:04.659

JCC Zoom: who is deeply concerned about water, quality and water quantity. In Jefferson County. We are so thankful for your time. This is

new, but we care about these issues, and we have a lot of questions, and y'all have the answers. We're not experts. That's why we just formed a water advisory committee.

761

01:52:04.690 --> 01:52:14.769

JCC Zoom: Hopefully, you didn't have to sit through all that. But we made you wait. Sorry about that. Thank you for making time for us, and I will hand it to you, Ms. Newell.

762

01:52:15.030 --> 01:52:18.119

JCC Zoom: and let you get us started. Thank you.

763

01:52:18.390 --> 01:52:38.640

Dawn A Newell: Good morning. Thank you very much. Jefferson County Commission. My name is Dawn Newell. I am the standards unit manager in the water quality standards and assessment section. I appreciate the opportunity to speak on behalf of the water use program today.

764

01:52:38.880 --> 01:52:48.569

Dawn A Newell: Jeremy Bandy, our division director over water and waste management does have a schedule conflict, but this opportunity we will make

765

01:52:48.570 --> 01:53:15.190

Dawn A Newell: great use of. So I am sharing information on behalf of my program that I'm responsible for in water use that was established in 2,008. I've been leading this program since 2022, and the authority that we have is granted to us in West Virginia State Code since 2,004, chapter 22, Article 26, under the Water Resources Protection and Management Act.

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01:53:15.710 --> 01:53:35.780

Dawn A Newell: I think the there is a lot of good detail within that code, but the most important part is that it is necessary for us, as a State agency, to determine the nature and extent of our water resources. The quantity thereof, and the use, so that

767

01:53:36.440 --> 01:53:45.199

Dawn A Newell: there are no limitations to the rights and the use and the benefits of those protected uses for all citizens benefits.

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01:53:45.810 --> 01:53:46.880

Dawn A Newell: So

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01:53:47.720 --> 01:53:55.740

Dawn A Newell: in this great charge that we have is our State agency. Since 2,010, we have been collecting and monitoring

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01:53:56.490 --> 01:54:09.290

Dawn A Newell: large quantity. Use withdrawals annually. Since 2,011 we have been managing our water resources in

771

01:54:09.580 --> 01:54:11.639

Dawn A Newell: water management plans

772

01:54:11.990 --> 01:54:27.040

Dawn A Newell: within our well work permits through legislative rule 35, 8. Whenever there's over 210,000 gallons used in horizontal well development. Since 2014

773

01:54:27.060 --> 01:54:49.730

Dawn A Newell: we've had our water Resources Management plan approved and adopted. And that's what we continue to work on. We annually share updates on all of this progress in accordance with the act to the Joint Legislative Commission to discuss any questions, comments, concerns, suggestions.

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01:54:51.040 --> 01:54:51.980

Dawn A Newell: As

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01:54:52.440 --> 01:55:00.099

Dawn A Newell: one of the applicants alluded to. You know, this is the East West Virginia generally enjoys

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01:55:00.310 --> 01:55:15.269

Dawn A Newell: abundant water, but we do know there is potential for water stress and insecurities on various scales over time, based on the dynamics of both the natural system and human uses which continue to evolve and change.

777

01:55:15.580 --> 01:55:30.489

Dawn A Newell: we do as an agency have and will continue to invest a lot of time and money on research in order to uphold and comply with the act and the mission. The State code has granted our agency.

778

01:55:30.820 --> 01:55:40.740

Dawn A Newell: We are certainly willing to partner with any stakeholders, whether it be Jefferson County Commission, Berkeley County Commission, any County Level

779

01:55:40.950 --> 01:55:58.109

Dawn A Newell: State agencies, such as Department and health, who also have a role in water protections of various federal agencies, environmental groups, Academia. We have a long history, some of which is outlined in that letter that our director

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01:55:58.630 --> 01:56:14.510

Dawn A Newell: did provide recently, you know, on any water quantity related projects moving forward by lending our expertise potentially some funding and facilitation among partners and stakeholders. So

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01:56:14.820 --> 01:56:39.080

Dawn A Newell: I know we have a small time slot today, but I certainly wanted to thank you for the opportunity to speak on behalf of our agency. Talk about the water use program and our authority granted in State code, some of the history leading up till now, and our commitment to partner and work together to get the answers we need to properly manage and protect our State resources.

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01:56:40.405 --> 01:56:41.280

Dawn A Newell: I

783

01:56:41.550 --> 01:57:01.650

Dawn A Newell: encourage you to continue to reach out to Director Bandy as well as myself on behalf of the division of water and waste management, but I also am fortunate to share this time slot with Erin Britton, who is in another division in office within our agency that has some

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01:57:01.980 --> 01:57:13.729

Dawn A Newell: expertise and experience, that that your technical group in your endeavors will find very helpful. So thank you very much for your time, and I will turn it over to Aaron.

785

01:57:16.810 --> 01:57:19.019

Erin Brittain, WVDEP: Thank you, Dawn. Can you hear me? Okay.

786

01:57:20.270 --> 01:57:21.359

JCC Zoom: Yeah, thank, you.

787

01:57:21.850 --> 01:57:29.070

Erin Brittain, WVDEP: Excellent. Thank you. Jefferson County Commission for allowing us to speak for a few minutes today regarding

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01:57:29.320 --> 01:57:43.720

Erin Brittain, WVDEP: the West Virginia Dep. And our role in groundwater use throughout the State. I am the Brownfields Program Manager, which is encompassing the voluntary remediation program

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01:57:44.320 --> 01:58:07.579

Erin Brittain, WVDEP: in the division of land restoration which is separate from the Dons Division, which is the division of water and waste management. So very briefly about the voluntary remediation program, applicants can voluntarily enter our program to clean up a contaminated piece of land often called a brownfield site.

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01:58:07.790 --> 01:58:28.069

Erin Brittain, WVDEP: and we, as part of the voluntary remediation program, we require soil and groundwater and vapor assessment. And obviously you are familiar with the former 3 M. Slash creo slash former kodak site in Kearneysville.

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01:58:28.250 --> 01:58:42.250

Erin Brittain, WVDEP: That site did voluntarily come through our voluntary mediation program. Some years ago they did successfully complete our program and receive a certificate of completion

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01:58:42.400 --> 01:59:10.190

Erin Brittain, WVDEP: which is our final closeout document, and that is only after a successful completion of site assessment along with risk assessment, any remedies that have been required to address soil or groundwater or vapor contamination to get it to some, you know, risk based standard, either for residential or industrial use, depending on current and future anticipated land uses.

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01:59:10.190 --> 01:59:16.810

Erin Brittain, WVDEP: Oftentimes our voluntary projects will, in order to be able to close out

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01:59:16.810 --> 01:59:39.669

Erin Brittain, WVDEP: as part of the project. They will have what's called a land use covenant, and that will include site, use, restrictions and activity and land use limitations in order for the remaining contamination at the site to not allow unacceptable exposure to humans and the environment.

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01:59:40.152 --> 01:59:49.320

Erin Brittain, WVDEP: The the former 3 m slash creo slash. Kodak site does have 2 land use covenants associated with that

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01:59:49.570 --> 01:59:52.850

Erin Brittain, WVDEP: property that came through the voluntary program.

797

01:59:53.510 --> 02:00:15.340

Erin Brittain, WVDEP: The restrictions for a lot of our voluntary sites are the same across most of the sites which include residential use, restriction, and groundwater use restriction. The specific. The majority of the the site that was through our voluntary program

798

02:00:15.340 --> 02:00:41.810

Erin Brittain, WVDEP: has a groundwater use restriction pertaining to the plume of contamination that was assessed and remediated, and there is some contamination that remains at that site, and that is what is restricted through the land. Use covenant that is recorded to the property deed. So a little background for the voluntary program as well as the site itself.

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02:00:42.190 --> 02:00:46.629

Erin Brittain, WVDEP: And I know that was just in a few quick minutes. But

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02:00:47.230 --> 02:01:07.979

Erin Brittain, WVDEP: just wanted to let you know kind of how our program works and how it gets closed out, as well as what our land use. Covenants and restrictions. Kind of entail and and part of the land use. Covenant, I will say, requires an annual inspection to ensure the restrictions are still in place, and and being met

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02:01:08.300 --> 02:01:20.560

Erin Brittain, WVDEP: continuously year after year, and that inspection form is required to be submitted back to the West Virginia, dep to ensure compliance

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02:01:21.820 --> 02:01:35.710

Erin Brittain, WVDEP: the land use covenants, and the certificate of completion. Both were issued in 2018. So it has been a number of years, as I mentioned earlier, since the project was

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02:01:35.930 --> 02:01:38.912

Erin Brittain, WVDEP: in our in our program. So

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02:01:42.180 --> 02:01:58.270

Erin Brittain, WVDEP: that's all that I really wanted to to say. I know that is super brief regarding our our program and our processes and and the the site specifically, and a little detail about what the site did in our program.

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02:01:58.950 --> 02:02:02.493

JCC Zoom: Excellent. Thank you to you both. I

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02:02:03.180 --> 02:02:12.650

JCC Zoom: have a dozen questions here, but we have a brand new Water Advisory Committee Commissioner, and I'm going to see the floor to Commissioner Mood

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02:02:13.081 --> 02:02:24.320

JCC Zoom: to get us started. So I guess some of the initial questions that people in the community have with that site is we have a owner on that site now that is looking to

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02:02:24.650 --> 02:02:28.170

JCC Zoom: be a large quantity user drawing water from

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02:02:28.280 --> 02:02:43.120

JCC Zoom: well over a mile away. A lot of the concerns that people have in the community are that plume that's on that site and could, being a large quantity user pulling from about a mile to mile and a half away, actually move that plume.

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02:02:43.520 --> 02:02:46.150

JCC Zoom: and how would they know it? How would that affect them?

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02:02:49.610 --> 02:03:03.090

Erin Brittain, WVDEP: Sure so, and apologies I don't know exactly where the the well was going to be placed, obviously a mile away, is quite some distance away from the plume.

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02:03:03.120 --> 02:03:11.679

Erin Brittain, WVDEP: If if a well was put in pretty, you know, I don't know. Within several 100 feet, maybe quarter of a mile

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02:03:11.680 --> 02:03:39.429

Erin Brittain, WVDEP: of the plume. It would 100% pull the plume, you know, if it was, you know, set in the same. If the well was set in the same aquifer again. I don't know that information. You know, where the well is going to be placed, and in what aquifer, if it was the same aquifer as the plume, and closer like I said, it will definitely pull the plume. However, I do want to caution that the last sampling was.

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02:03:39.540 --> 02:03:53.929

Erin Brittain, WVDEP: I believe, 7 years ago of the plume. So we really don't know. Current conditions over time. Contamination will attenuate naturally, and

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02:03:54.620 --> 02:04:02.209

Erin Brittain, WVDEP: it may be the same for this plume. We we just don't know, because it has been 7 years since the last sampling event.

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02:04:02.950 --> 02:04:04.949

JCC Zoom: How would you know if you were in the same aquifer?

817

02:04:09.910 --> 02:04:12.010

Erin Brittain, WVDEP: Don. You're you're on mute, Don.

818

02:04:15.220 --> 02:04:18.292

Dawn A Newell: Thank you. I believe that I should speak to that.

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02:04:18.990 --> 02:04:41.850

Dawn A Newell: There is definitely complex geology and hydrology up in that area due to the Karst. That is what a lot of these studies that we have been doing with various State and Federal agencies and academia, trying to better delineate and tease out that scale of aquifer, and where the water for

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02:04:42.290 --> 02:04:52.510

Dawn A Newell: whatever well is coming from that's still being determined. That is some of the modeling. That that we hope to get to in

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02:04:53.050 --> 02:04:56.359

Dawn A Newell: the the studies we are all considering doing

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02:04:57.580 --> 02:05:01.629

Dawn A Newell: moving forward. And that's what we've been working towards. Statewide.

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02:05:02.640 --> 02:05:10.020

JCC Zoom: And you said the test. The last testing was done 7 years ago is that something that should be continually done as you're heading into the future.

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02:05:13.130 --> 02:05:22.129

Erin Brittain, WVDEP: So I can only speak regarding the the requirements in our voluntary remediation program.

825

02:05:23.710 --> 02:05:41.310

Erin Brittain, WVDEP: It really just depends, per site, what what groundwater remediation strategies they have decided. The applicant has decided to utilize per project. So for a site for this particular site

826

02:05:41.450 --> 02:05:56.930

Erin Brittain, WVDEP: they received their certificate of completion in 2018. We did not require further monitoring a lot of times. Our sites do not require further groundwater monitoring it again. If the well was put.

827

02:05:57.010 --> 02:06:18.809

Erin Brittain, WVDEP: you know, closer, definitely within the same aquifer. We would definitely want to, you know, set up more monitoring wells and and conduct a sampling, or, you know, create a sampling program and implement. That which I think is what Don was kind of leading to when she spoke.

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02:06:21.640 --> 02:06:36.391

JCC Zoom: Pass it all into absent questions. Commissioner Soliber. Yeah. In your letter. It says that you? Yeah, I guess you monitor any entity that pulls out 300 gallons of water in 30 days, and you have

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02:06:36.920 --> 02:06:45.071

JCC Zoom: looks like 8 Lq. Lq. Use, which stands for large quantity users, I believe. And I guess these are pulling.

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02:06:45.640 --> 02:06:50.559

JCC Zoom: is this in? Is that just in Jefferson County, the 8 Lq. Lq. Use.

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02:06:51.010 --> 02:06:52.649

Dawn A Newell: Yes, that is correct, Commissioner.

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02:06:52.650 --> 02:07:01.280

JCC Zoom: Okay? And it looks like they're to make sure I have these numbers right? It looks like they're they pull out 81 billion. Is that a year.

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02:07:02.100 --> 02:07:06.789

Dawn A Newell: Yes, sir, the most current data for that report is 2023.

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02:07:06.790 --> 02:07:25.070

JCC Zoom: Okay, and 81 billion gallons of water a year. That's a lot of water that's currently pulled from 8 Lq use. Do we know if there's ever

been any issues with adjacent wells from, you know, close to any of these 8 Lqus.

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02:07:26.570 --> 02:07:28.560

Dawn A Newell: Not that, not to my knowledge? No.

836

02:07:28.560 --> 02:07:29.230

JCC Zoom: Okay?

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02:07:30.900 --> 02:07:32.741

JCC Zoom: And and then I guess

838

02:07:33.820 --> 02:07:50.989

JCC Zoom: Aaron, you mentioned that I forget which one mentioned. But you don't think that you you indicated. If the if the there was an Lq. Within a quarter of a mile you think to the plume it would be an issue. But you don't believe. A mile, mile and a half is an issue.

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02:07:52.710 --> 02:08:01.606

Erin Brittain, WVDEP: There's a lot of factors. I just I don't know. I truly don't know. There's a lot of variables involved.

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02:08:02.400 --> 02:08:11.979

Erin Brittain, WVDEP: and I, you know, I think there would have to be modeling done. There would have to be additionally additional sampling conducted to really make a

841

02:08:12.710 --> 02:08:17.160

Erin Brittain, WVDEP: educated final decision about that.

842

02:08:18.530 --> 02:08:28.246

Erin Brittain, WVDEP: certainly, if the wells were close to the site or on site, you know, it would pull the plume and definitely within the aquifer. So.

843

02:08:29.040 --> 02:08:41.710

Erin Brittain, WVDEP: I, you know, not to retract my what I said earlier. But I I just think you know, there would need to be additional data. To make a really informed decision about that.

844

02:08:42.030 --> 02:08:48.178

JCC Zoom: With the with the my concern is the drawdown rate. So for a potential large quantity user,

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02:08:48.740 --> 02:08:56.000

JCC Zoom: assuming that there could be a shared aquifer, and I know you don't have all the you know facts in front of you at this point.

846

02:08:56.400 --> 02:09:11.059

JCC Zoom: but what are the areas of impact? When could you explain to everyone what a drawdown rate is, and and how that works when you have a large quantity user within close proximity to maybe a plume.

847

02:09:16.910 --> 02:09:18.409

Erin Brittain, WVDEP: Dom, do you want to take that.

848

02:09:19.730 --> 02:09:38.679

Dawn A Newell: Yes, I'm not used to thinking in terms of plumes, but you know, the large quantity, user authority and definition, as defined is specified, and that's for you know, any user over 300,000 gallons.

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02:09:39.427 --> 02:09:50.009

Dawn A Newell: Within 30 days, with with a few exceptions, one being agriculture and the other one is, any

850

02:09:50.500 --> 02:10:18.120

Dawn A Newell: amount of bottled water is required to be reported to us. So again, we're gathering data to get a better understanding of the trends and the monitoring of withdrawals statewide. We try to incorporate all of the largest known users that we could think of when we first, st you know, started to implement the act and our authority.

851

02:10:18.583 --> 02:10:28.340

Dawn A Newell: But we are not. You know, anyone with an exemption, or below that threshold, cumulatively, we we can't quantify or speak to.

852

02:10:28.745 --> 02:10:35.459

Dawn A Newell: So I think that that's important to say, because various water use, whether they're in the same aquifer or not.

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02:10:35.570 --> 02:10:41.139

Dawn A Newell: How many users are there? How many Wells. At what level, what aquifer!

854

02:10:41.310 --> 02:10:47.666

Dawn A Newell: What does that add up to? So I I just it's it's a very hard answer to

855

02:10:49.660 --> 02:10:59.710

Dawn A Newell: to come up with, you know, in terms of drawdown and distance and quantities, because we're still trying to best estimate that on available data which we

856

02:11:00.000 --> 02:11:03.250

Dawn A Newell: have the authority of requiring currently.

857

02:11:04.190 --> 02:11:07.599

JCC Zoom: When you talk about drawdowns, you talk about drawing down the aquifer, correct.

858

02:11:07.600 --> 02:11:08.310

Dawn A Newell: Correct.

859

02:11:08.480 --> 02:11:14.960

JCC Zoom: So if they were to set their pumps at a more shallow level, does that help reduce drawdown into the aquifer as a whole?

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02:11:20.120 --> 02:11:24.160

Dawn A Newell: Pump rate factors into that modeling, you know, but

861

02:11:24.840 --> 02:11:29.369

Dawn A Newell: continuous pump rate. Again, the different aquifers that

862

02:11:29.560 --> 02:11:36.690

Dawn A Newell: the variety of wells, or, you know numerous wells could be tapped into. We don't have those specifics.

863

02:11:39.470 --> 02:11:41.899

JCC Zoom: What is the best way to?

864

02:11:42.090 --> 02:11:46.329

JCC Zoom: I don't know to to test the drawdown rate with that you would recommend.

865

02:11:46.700 --> 02:11:49.720

JCC Zoom: hey? Is is there some type of some type of test.

866

02:11:51.170 --> 02:11:53.080

Dawn A Newell: For individual wells. Yes.

867

02:11:53.200 --> 02:11:54.040

JCC Zoom: Okay.

868

02:11:54.320 --> 02:12:05.040

Dawn A Newell: There is a drawdown pump rate test with the yield any new domestic individual. Well, that is part of the permit to install. So you can anticipate.

869

02:12:05.360 --> 02:12:11.789

Dawn A Newell: You know, whether that will meet your individual residential water needs. I mean there. There are

870

02:12:11.960 --> 02:12:17.560

Dawn A Newell: scientific methods and technologies to estimate that on a well by well basis.

871

02:12:17.900 --> 02:12:21.720

JCC Zoom: Okay, so a hydro hydro like, would that be? Would that be a hydro test?

872

02:12:21.990 --> 02:12:22.720

Dawn A Newell: Yes.

873

02:12:23.460 --> 02:12:29.810

JCC Zoom: Let me, let me ask. The the polluted plume seems to be one of the big issues.

874

02:12:29.960 --> 02:12:33.430

JCC Zoom: And so, 1st of all.

875

02:12:33.820 --> 02:12:54.509

JCC Zoom: I guess I would ask is, how difficult is it to remediate that to get it fixed so that it's not a problem. And then the second thing is, doesn't if we're potentially using, I think, 1.7 million gallons of water a day. Isn't there a pretty good chance that that plume could shift dramatically.

876

02:12:58.625 --> 02:13:00.754

Erin Brittain, WVDEP: Sure. So let me

877

02:13:01.770 --> 02:13:07.599

Erin Brittain, WVDEP: address your your 1st question regarding remediating the plume. So

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02:13:08.280 --> 02:13:14.129

Erin Brittain, WVDEP: there was extensive remediation done in 20,

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02:13:15.220 --> 02:13:20.126

Erin Brittain, WVDEP: 2016 and 2017, and that included

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02:13:20.870 --> 02:13:42.710

Erin Brittain, WVDEP: injections called potassium permanganate. And that's a specific chemical injection for the type of plume that is, at the site, which is a chlorinated solvents, plume, trichloroethylene, or tce for short and breakdown products.

881

02:13:43.120 --> 02:13:58.099

Erin Brittain, WVDEP: So, and these types of chlorinated solvents can be very difficult to remediate. There was, you know, aggressive injections done and like, I said, in 2016 and 2017,

882

02:13:58.340 --> 02:14:10.840

Erin Brittain, WVDEP: which involves a large quantity of injections into the aquifer, and it did seem to help remediate to a certain degree

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02:14:10.840 --> 02:14:30.360

Erin Brittain, WVDEP: the amount of contamination. But there was. We always require sampling after the fact. So there was additional sampling done in 2017 and 2018, for the groundwater just to ensure rebound of the contamination is not occurring.

884

02:14:30.750 --> 02:14:37.902

Erin Brittain, WVDEP: and it the the remediation reduced the amount of contamination.

885

02:14:38.770 --> 02:14:54.184

Erin Brittain, WVDEP: And we I think there was some rebound and one or went, maybe just one. Well, and I apologize. I don't have those in front of me that data in front of me right now. But it did seem to like I said,

886

02:14:54.790 --> 02:15:04.500

Erin Brittain, WVDEP: reduce the amount of contamination quite, quite effectively, and we obviously went forward with the land. Use covenant and the certificate of completion.

887

02:15:06.800 --> 02:15:12.180

Erin Brittain, WVDEP: And again, over time. Contamination does attenuate.

888

02:15:12.540 --> 02:15:33.041

Erin Brittain, WVDEP: So you know. Like I said, it's been 7 years. So we we just don't know what the current contamination levels are. In in a Karst environment. The, you know, the contaminant plumes can do really unexpected things. And

889

02:15:33.650 --> 02:15:39.572

Erin Brittain, WVDEP: so I we really, just truly don't know what what the plume

890

02:15:40.660 --> 02:15:46.457

Erin Brittain, WVDEP: what it what it currently what the status currently is. We really just don't know that

891

02:15:48.630 --> 02:16:13.610

Erin Brittain, WVDEP: To address your second question again, there's a lot of variables involved. If the pump rates are high enough and the wells are close enough, and it's pumping from the aquifer where the contaminant plume is. The plume will move, and we've, you know, many studies have shown that our own sites have shown that over the years

892

02:16:14.140 --> 02:16:35.469

Erin Brittain, WVDEP: again, you know I I just don't have the the locations of the wells and the aquifers, and and you know those sorts of things in front of me to give a good informed response to answer your question there. And again, you know, I really feel that modeling and sampling would need to be done to

893

02:16:35.700 --> 02:16:39.340

Erin Brittain, WVDEP: to really know for sure what you know, what the current status is.

894

02:16:39.500 --> 02:16:42.630

JCC Zoom: Thank you for that answer, but it sounds to me like

895

02:16:42.959 --> 02:16:44.830

JCC Zoom: it's pretty hard to clean it up.

896

02:16:46.190 --> 02:17:08.739

JCC Zoom: I have a couple questions, and mine's for Aaron with the Dp. So the technical report provided by the applicant, I don't believe included cars topography in that report, do you think? Maybe moving forward. We could have a mechanism for cars, topography conditions.

897

02:17:11.850 --> 02:17:17.930

JCC Zoom: and you're talking about the applicant for the dep permit. Correct. You're not talking about a county level applicant. You're talking about. Dep, okay.

898

02:17:22.250 --> 02:17:28.489

Erin Brittain, WVDEP: Apologize. Are you asking me about the the Vrp applicant?

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02:17:30.073 --> 02:17:40.619

JCC Zoom: Yes, the remediation that was started in in cars, topography, with that assumption in there.

900

02:17:48.889 --> 02:17:51.010

Erin Brittain, WVDEP: I apologize. Are you?

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02:17:51.719 --> 02:18:01.320

Erin Brittain, WVDEP: Did we provide a report with current or sorry data from from the Vrp project?

902

02:18:02.580 --> 02:18:14.899

JCC Zoom: So the remediation that was done. The volunteer program in 2018 that was completed. Did that report assume that Karst topography was there in, the, in, the findings.

903

02:18:15.350 --> 02:18:27.253

Erin Brittain, WVDEP: Okay, so apologies for that. For clarification. Yes. The karst aquifer was

904

02:18:29.209 --> 02:18:35.809

Erin Brittain, WVDEP: part of our assessment part of the applicants, assessment and remedial efforts.

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02:18:36.120 --> 02:18:39.609

JCC Zoom: Okay, I have a very similar question. Let me jump in. Yeah.

906

02:18:40.910 --> 02:18:52.759

JCC Zoom: Dep, and well, testing for site plan, slash concept plan submittal. This is about that for pre-well testing.

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02:18:53.620 --> 02:18:56.060

JCC Zoom: Does the dep assist?

908

02:18:56.219 --> 02:19:07.469

JCC Zoom: Or is an applicant required under dep regulations to delineate recharge zones, and especially contributing areas

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02:19:07.969 --> 02:19:14.579

JCC Zoom: requiring the appropriate geologic information and methods to assess groundwater flow.

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02:19:15.150 --> 02:19:20.820

JCC Zoom: This is getting to the Karst issue as well. And I'm curious. Do those requirements.

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02:19:21.260 --> 02:19:27.549

JCC Zoom: in your view as an expert provide realistic results. In course, geology such as that in Jefferson County.

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02:19:30.830 --> 02:19:46.740

Dawn A Newell: Within my water use program that that is, those specifications are not within my program. We do have a groundwater program, but I am not familiar. That is something I'd have to follow up on.

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02:19:47.809 --> 02:19:54.710

JCC Zoom: Okay, it's very helpful. Here, did I interrupt you, did you no, no. And I,

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02:19:55.650 --> 02:20:02.240

JCC Zoom: I think that no, I think that's good. Okay, great. I had a couple more. Yeah. Shifting to water quantity

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02:20:02.940 --> 02:20:04.359

JCC Zoom: just for you. Ms. Noel.

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02:20:04.910 --> 02:20:18.329

JCC Zoom: the last sentence in page one of your letter. I'll just repeat it, for those who haven't read it. Wvdep does not collect any water. Withdrawal information on users below the Lq. U.

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02:20:18.440 --> 02:20:20.720

JCC Zoom: Threshold. That's large quantity user.

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02:20:21.050 --> 02:20:27.589

JCC Zoom: Therefore the cumulative impact of such withdrawals is unknown.
So my question is about that

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02:20:27.850 --> 02:20:32.670

JCC Zoom: the State law require you to monitor cumulative impact.

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02:20:32.910 --> 02:20:42.959

JCC Zoom: and if not in your view. Is there a deficiency in Werpa regarding cumulative water withdrawals in Karst topography.

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02:20:45.820 --> 02:20:50.710

Dawn A Newell: Through the act we are determining water quantity.

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02:20:51.385 --> 02:20:59.270

Dawn A Newell: The specifics beyond large quantity users at the 300,000 gallons in 30 days

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02:21:00.310 --> 02:21:07.520

Dawn A Newell: do not exist yet if that is a management strategy
management strategy

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02:21:07.660 --> 02:21:14.999

Dawn A Newell: that is proposed and accepted into regulation, whether in the code or at the legislative rule

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02:21:15.170 --> 02:21:20.930

Dawn A Newell: level. That is certainly something we can implement, but that is not

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02:21:21.610 --> 02:21:32.439

Dawn A Newell: specified currently other than to better quantify and estimate for the protection of uses and resources.

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02:21:32.590 --> 02:21:33.810

Dawn A Newell: Statewide.

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02:21:34.350 --> 02:21:50.940

JCC Zoom: Yeah, that's very helpful. I had a benchmarking question as well. Thanks for bringing that up. Are you aware? Are there other counties in West Virginia that have enacted local ordinances that limit or regulate the volume. Quantity, or perhaps the rate of Lq. Withdrawals.

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02:21:51.480 --> 02:21:52.493

Dawn A Newell: Thank you.

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02:21:53.810 --> 02:22:16.960

Dawn A Newell: Monroe County recently did a very detailed hydrogeologic study to better determine, through modeling available groundwater resources because they had similar concerns a very complex Karst geology present there some potential for growth and some other localized water challenges.

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02:22:17.090 --> 02:22:34.760

Dawn A Newell: That publication was done through a variety of groups. Health, the Department of Environmental Protections as well as the Usgs and some other private donors and funders. But that is the type of study that

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02:22:34.990 --> 02:22:35.970

Dawn A Newell: you know

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02:22:36.350 --> 02:22:58.150

Dawn A Newell: your Advisory group, and and you should follow, in my opinion, when developing answers or better estimates to your questions regarding water use. There are models, and you know various. They identified at least 5 aquifers with multiple water bearing

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02:22:58.390 --> 02:23:11.560

Dawn A Newell: formations within each aquifer. So it is complex. There has been similar work. Monroe County more most recently did probably the best example

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02:23:11.720 --> 02:23:16.870

Dawn A Newell: of what you all may want to consider doing. Similarly.

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02:23:17.730 --> 02:23:31.990

JCC Zoom: We'll give that cost. I'm sorry. Could I follow up? What did Monroe County do? I'm just curious as a follow up.

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02:23:31.990 --> 02:23:39.779

Dawn A Newell: Well, it it did start at the Commission level, based on citizen and constituent concerns about growth and

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02:23:41.060 --> 02:23:46.110

Dawn A Newell: Karst geology and quantities. They just

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02:23:46.530 --> 02:23:56.880

Dawn A Newell: got more specific local hydrology based on the geology down so they could develop better models to better estimate water use.

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02:23:57.130 --> 02:24:14.360

Dawn A Newell: We also are currently working on a Usgs study to better capture data associated with the cumulative, domestic, and agricultural water use below the thresholds mandated in the large quantity use current definitions.

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02:24:14.906 --> 02:24:29.419

Dawn A Newell: So we have a current project that's wrapping up at the end of, I believe, this year with the Usgs to better quantify and give more data to these models to get better answers.

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02:24:29.650 --> 02:24:40.539

Dawn A Newell: But yeah, we're trying to improve upon our knowledge and make sure we have the data to make the decisions based on and have recommendations based on.

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02:24:42.430 --> 02:24:45.180

JCC Zoom: Yeah. Do you know the cost of that by any chance?

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02:24:45.880 --> 02:24:50.827

Dawn A Newell: Monroe County was unique in that. It started at the county level.

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02:24:51.830 --> 02:25:14.809

Dawn A Newell: it did start, I think, back in 2017, I need to look up more specifics, but I don't have a total cost on that, because there was a lot of private donors and funding and volunteer work by some of our Federal agencies in that endeavor, so I do not have a total price tag for it. An estimate.

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02:25:16.039 --> 02:25:27.539

Dawn A Newell: Well, I can't even estimate. I can only see a portion of what the various agencies put towards it, but that is something I can try to get more information on and provide to the Commission.

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02:25:27.680 --> 02:25:34.130

JCC Zoom: Okay, please. There. There was a hydro test done in this subject area.

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02:25:34.270 --> 02:25:41.010

JCC Zoom: Could, if if we could, get a copy. I know there's a copy of it somewhere. If we sent that to you, could you give us your opinion on that.

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02:25:42.190 --> 02:25:58.569

Dawn A Newell: Yes, I believe that we have asked for a copy of that information to Prior, and have not received it. So yes, please provide that type of information. For us to technically review.

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02:25:59.940 --> 02:26:06.879

JCC Zoom: Excellent back to the voluntary remediation program.

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02:26:08.552 --> 02:26:17.440

JCC Zoom: How is a site cleared for use? And what uses are sites cleared for under the program?

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02:26:18.690 --> 02:26:42.629

Erin Brittain, WVDEP: Absolutely. So we have our standards. They're the minima standards, and they are based on residential or industrial uses, current and future uses. And through site assessment. So then, you know what the contaminant levels are, and which contaminant of concern are there.

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02:26:43.260 --> 02:26:53.079

Erin Brittain, WVDEP: Once you have that assessment data, we then proceed to a human health and ecological risk assessment. So the risk assessment will

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02:26:55.550 --> 02:27:08.520

Erin Brittain, WVDEP: weigh the exposure and toxicity and dependent on current and future anticipated uses, so that we know

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02:27:09.172 --> 02:27:10.920

Erin Brittain, WVDEP: is the risk

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02:27:10.970 --> 02:27:39.270

Erin Brittain, WVDEP: acceptable for current and future use? Or is it unacceptable? Especially if a site is industrial? But it wants to turn residential where you know, our diminished levels are lower, obviously for residential use. So the risk assessment will provide that outcome. So we know, does the site need to be restricted for residential use? Or is, you know, our levels? Okay, for residential use, for example.

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02:27:39.270 --> 02:27:58.939

Erin Brittain, WVDEP: is groundwater levels. Do they meet our de minima standards? Or are they above our de minima standards to where we would need to restrict groundwater use, for example. So it is all based on the site assessment and the outcome of our site assessment, and then

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02:27:59.220 --> 02:28:11.379

Erin Brittain, WVDEP: the the risk, assessment and current and future anticipated uses. And then the outcomes of that risk assessment to know how the site can be used for future purposes.

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02:28:12.040 --> 02:28:18.799

JCC Zoom: And are those criteria in the risk? Assessment for future use? Are those stated in the covenants attached to a title.

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02:28:21.452 --> 02:28:39.307

Erin Brittain, WVDEP: Yes, our land use covenant. Is what is recorded to the property deed, and it will say, residential or non-residential exposure. Assumptions were used. And then the restrictions will be outlined. So if there's

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02:28:40.240 --> 02:28:49.370

Erin Brittain, WVDEP: residential restrictions, groundwater restrictions, etc. Then that will be outlined within the land, use covenant as well attached to the property deed.

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02:28:49.690 --> 02:29:06.720

JCC Zoom: Thank you. We. We can pull a title in covenant. We know how to do that. Is there another way that the public, or, for example, a water advisory committee that we just formed can get access to the final report. The Vrp and use restriction

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02:29:07.220 --> 02:29:14.629

JCC Zoom: offer sites, or is it just? Go to the courthouse. Full title. Is that the only way to do it? Or do you do you have a website? Do you have a portal.

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02:29:15.300 --> 02:29:26.809

Erin Brittain, WVDEP: We do. We have a website, our office of environmental remediation website on West Virginia Deep Standard website. And we have our land use covenants.

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02:29:27.731 --> 02:29:33.468

Erin Brittain, WVDEP: In a file on our website, and I can share that with you.

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02:29:34.360 --> 02:29:40.214

Erin Brittain, WVDEP: otherwise. All of our information. Can be foiaed.

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02:29:40.960 --> 02:29:53.940

Erin Brittain, WVDEP: we don't put our certificates of completion on our website. But again, that can be foiaed as well, or any you know, any publicly available document can be foiaed for for this site in particular.

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02:29:54.590 --> 02:30:00.089

JCC Zoom: If there's a proposed change in use or site where there is a Vrp.

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02:30:00.595 --> 02:30:07.439

JCC Zoom: how does that trigger? Or does it at all? Trigger, you know. Further review due to that proposed change in news.

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02:30:08.310 --> 02:30:13.769

Erin Brittain, WVDEP: Yeah, absolutely. Our land use covenant has specific language. If there is a

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02:30:14.320 --> 02:30:21.859

Erin Brittain, WVDEP: building construction or permit, or a proposed change in land use. That

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02:30:22.090 --> 02:30:46.200

Erin Brittain, WVDEP: may impact the groundwater plume the soil contamination, whatever you know, was evaluated in the site and and risk assessments. Then West Virginia dep should be notified, and that is all outlined in the land. Use covenant language.

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02:30:47.120 --> 02:30:51.259

JCC Zoom: That's very helpful. And I'm getting into the weeds here.

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02:30:52.490 --> 02:30:53.930

JCC Zoom: Well, testing

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02:30:54.610 --> 02:31:06.299

JCC Zoom: does Dep require that water from test pumping be discharged in a particular manner, so as to not influence the data on recharge.

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02:31:06.830 --> 02:31:08.370

JCC Zoom: Did that question make sense.

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02:31:10.220 --> 02:31:17.249

Dawn A Newell: It does make sense, but that is not within water use.

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02:31:21.650 --> 02:31:26.220

Dawn A Newell: I know that there are different hydrostatic permitting and other

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02:31:28.090 --> 02:31:33.359

Dawn A Newell: specific requirements that that I cannot speak to, but I can certainly follow up with that.

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02:31:33.650 --> 02:31:35.950

JCC Zoom: Yeah, we're we're very interested in that question.

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02:31:37.510 --> 02:31:41.719

JCC Zoom: Let's shift to studies and paying for them. And then I'm going to wrap

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02:31:42.290 --> 02:31:47.950

JCC Zoom: I know we have a lot of other stuff to do. But it's actually based on what we're talking about right now moving into our lunchtime.

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02:31:50.278 --> 02:31:58.879

JCC Zoom: as we look to partner with the Ep on funding studies, what is the lead time for funding with the Ep and other agencies

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02:31:59.090 --> 02:32:25.559

JCC Zoom: in the fiscal year prior to the funding. Are there different timelines to get commitments from agencies? Can state revolving funds be used? What are Federal funding sources? I think you guys know a lot more about this than we do. But before you answer, I just wanted to note that Usgs did mention to us. They they could contribute 200 K toward a project, and that was Federal funding that the agency

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02:32:25.960 --> 02:32:32.119

JCC Zoom: received to use. So I was just curious, you know, funding cycles. How's it work.

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02:32:33.970 --> 02:32:39.540

Dawn A Newell: Yes. In general. I

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02:32:39.850 --> 02:32:54.094

Dawn A Newell: I think that we are still awaiting our agency budget for state fiscal year 2026 you know that we do get an annual budget as a state agency?

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02:32:55.780 --> 02:33:02.369

Dawn A Newell: but we have various funding mechanisms through our agency, so

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02:33:03.810 --> 02:33:12.430

Dawn A Newell: I don't think it's so much the timeframe. It's just the importance of partnerships in in our agency not being asked to fully fund

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02:33:13.170 --> 02:33:18.349

Dawn A Newell: this specific of a localized project to answer

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02:33:18.490 --> 02:33:38.439

Dawn A Newell: this question, because we have the responsibility for the entire State. We had looked at a similar proposal by the Usgs, but we it was not feasible at the time last fall, when we considered it due to the funding situation and the the administration change in the budget still

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02:33:38.720 --> 02:33:49.730

Dawn A Newell: coming out. So you know we are certainly interested in helping fund. I can't put a number on that. We do have some other partners very much.

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02:33:49.840 --> 02:34:06.940

Dawn A Newell: I'm interested in water resources protection, and that we have successfully partnered with that have given partial funding as well, that we would not hesitate to reach out, to to get together, to help share this funding.

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02:34:07.430 --> 02:34:11.269

Dawn A Newell: you know. Challenge of this more local project.

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02:34:11.770 --> 02:34:12.150

JCC Zoom: Excellent.

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02:34:12.150 --> 02:34:26.209

Dawn A Newell: Sorry I don't have a number for you or a timeframe, but we are able to support that by including as many Federal and State partners as possible, and support the funding in part.

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02:34:26.210 --> 02:34:29.929

JCC Zoom: Oh, no worries. We'll just default to 600 K. And then you can change it later. If you want.

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02:34:30.384 --> 02:34:32.270

Dawn A Newell: I wish I had that much.

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02:34:32.270 --> 02:34:48.440

JCC Zoom: You got a good sense of humor? I appreciate that last question. I have you mentioned change, administration, priority shift, so are y'all anticipating use of any Federal bipartisan infrastructure law monies for studies? Or is that strictly infrastructure.

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02:34:49.780 --> 02:34:52.409

Dawn A Newell: I cannot speak to the Srf. I

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02:34:52.630 --> 02:34:59.680

Dawn A Newell: I'm not the authority on that, but I certainly will follow up with Director Bandy and Tenant secretary. Lord, on.

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02:35:00.230 --> 02:35:26.470

JCC Zoom: We're going to turn over every rock. I appreciate that I have one statement and then question. So I it's my understanding that the dep tested all of Jefferson County and determined 1.6 million daily when you back out the Millville dam. So my follow up question of the 8 quantity users, which of them are subsurface wells, as opposed to surface water.

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02:35:27.870 --> 02:35:39.109

Dawn A Newell: Right. Those 8. I don't have the specifics of groundwater, and what but I can certainly provide more detail on the 8 large quantity users in your county.

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02:35:39.800 --> 02:35:41.899

Dawn A Newell: But I don't have that in front of me. Okay.

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02:35:41.900 --> 02:35:50.590

JCC Zoom: Thank you. I appreciate that we'll follow up on that last question, not a subject matter expertise question. This is about further collaboration.

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02:35:50.790 --> 02:35:53.079

JCC Zoom: As you saw.

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02:35:53.750 --> 02:36:00.180

JCC Zoom: We are forming a water advisory committee, and we very much appreciate your expertise on this committee.

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02:36:00.360 --> 02:36:05.949

JCC Zoom: We have experience working with your Potomac Basin Coordinator, and that could be a natural fit.

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02:36:06.230 --> 02:36:07.990

JCC Zoom: If you could please

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02:36:08.230 --> 02:36:35.799

JCC Zoom: Liaise, with our with Mary Sell, who's just been appointed to our Water Advisory Committee and our county administrator, Eddie Benitez. They will be in contact with you to arrange for nomination to this group, and we'd appreciate. We very much appreciate your time today, and we'd like to continue working together. This has been very educational, very informative, and extremely valuable for our community. Thank you so much for lending your expertise.

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02:36:36.530 --> 02:36:38.440

Erin Brittain, WVDEP: Thank you. Commission for having us. Thank you.

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02:36:39.290 --> 02:36:40.419

JCC Zoom: Thank you.

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02:36:41.870 --> 02:36:43.140

JCC Zoom: All right.

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02:36:43.250 --> 02:36:48.850

JCC Zoom: thank you. To you both. We're gonna move on to our next agenda item. I'm gonna ask I'm gonna

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02:36:49.090 --> 02:37:11.730

JCC Zoom: do a straw poll with our commission. We're into lunch. We have had 2 elected officials patiently waiting while we talked about water water water, because we're talking about water with them as well. Does the Commission want to keep going so they can present, and they get the heck out of? Here's here's what I would let you know we've had to move a few people around to after lunch.

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02:37:11.730 --> 02:37:29.489

JCC Zoom: So we have already moved all of Rogers, which is the impact fee and the Zoning Map Amendment and the bond request to after lunch. Then we have moved the overview of the building to after lunch, and the order for the bond till after lunch.

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02:37:30.260 --> 02:37:39.079

JCC Zoom: That being said, we do have Nikki, Painter and Matt Harvey in the room, Matt Harvey's designee in the room.

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02:37:39.970 --> 02:38:09.320

JCC Zoom: I would recommend going through this agenda item with Number 5 on the presentation with Senator Barrett and Delegate Funkhauser, and then moving to the county clerk and the prosecuting attorneys items before breaking for lunch, they should be very, very fast. Excellent. Is that all right with you? Okay, so what I want to do is this is a literally 1 min break, because I want to shake their hand and say, Thank you for waiting. Get their placards up. This is not a 10 min break. Okay, we'll be right back.

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02:38:11.510 --> 02:38:12.700

JCC Zoom: Lynn, are you ready?

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02:38:13.600 --> 02:38:28.230

JCC Zoom: We are reconvening. We wanted to say, give a special welcome to our State Senator and delegate who were so patient and waiting for us. But I think it was for good cause, because that information was very valuable, and it informs this discussion.

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02:38:29.560 --> 02:38:38.110

JCC Zoom: Delegate Funkhauser, Senator Barrett. Thank you for joining us today we're here to talk about. We've we've asked you to come talk about some efforts you had

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02:38:38.870 --> 02:38:48.699

JCC Zoom: in Charleston this year that are related to water use in Jefferson County, and y'all are professional public speakers. I'm just going to hand it to you.

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02:38:49.790 --> 02:39:14.519

JCC Zoom: Thank you, Commissioners for this opportunity to be here on this very important topic of water, quantity, and qualities, and in Jefferson County and West Virginia. So this issue was certainly not on my radar when it last year, in the campaign season, until it was on everybody's radar last fall, when a private equity firm had a proposal before the planning commission and

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02:39:14.710 --> 02:39:29.820

JCC Zoom: raised significant concerns. And so I did some research, and trying to look into this issue and and see what tools the State already

has what the State may need to better address this issue, to to address those concerns, and what I. What I found was that

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02:39:29.850 --> 02:39:54.819

JCC Zoom: most of the States east of the Mississippi. There there isn't a particularly acute water quantity issues, and therefore we most States have the common law, fair use doctrine when it comes to common. When it comes to someone using too much water. Your neighbor uses too much water. You can take them to court under this common law doctrine to challenge that their use is unreasonable or unfair. But what I've also discovered was

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02:39:54.820 --> 02:40:18.570

JCC Zoom: many of the States also have certain restrictions on large quantity users, because the scale that involved and and to try and, you know, be through the regulatory apparatuses, to to address those concerns. And indeed, West Virginia has already abdicated common law when it comes to coal communities and coal companies. If you look under the dep

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02:40:18.912 --> 02:40:41.495

JCC Zoom: chapter 22, article 4, they have a responsibility if they deplete an aquifer to to provide water for the the neighboring communities. And so that's kind of we did, you know, basically, when I was looking into this people were concerned when all of Jefferson County uses 1.6 million gallons of water. When you back out the the surface level usage.

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02:40:42.180 --> 02:41:07.049

JCC Zoom: and a proposal where you can have up to 1.7 million being withdrawn, particularly in year 3 of the drought year. Thankfully, we've gotten some rain this spring to better, you know, to help out there. But you know, looking at what tools can we provide so that that you guys as a county commission with all of your responsibilities and development authority, can make wise decisions in your planning process. And you know, really thankful for you

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02:41:07.050 --> 02:41:30.320

JCC Zoom: and and all levels of government, of having this hearing, reconstituting the Water Advisory Board, bringing in the Dep, who have tremendous more resources than than you do as a county level. You know all levels of government, and so certainly want to help you address, you know. So you have good information. Build on that study, certainly willing to ask the Senate finance chair if there are resources

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02:41:30.320 --> 02:41:41.289

JCC Zoom: to needed at the at the State level where we can contribute to that study. So you guys can can get up to date. And so there was some testimony before the planning commission on

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02:41:41.862 --> 02:42:06.390

JCC Zoom: that that you know, West Jefferson County in particular, is only using 16% of our water or subsurface water. This was based on a 2012 study, which wasn't quite a comprehensive study, as the last, most recent comprehensive study back in the late eighties. And so a lot of changed in the last 13 years. We've grown significantly, our population so obviously our water usage is not at 16% and the drought years on top of that. So

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02:42:06.390 --> 02:42:31.300

JCC Zoom: what what I did I introduced 2 bills, House Bill 3,025, and House Bill 3,02630, 26 just tries to clarify some ambiguity within the zoning sections of the code. But I want to really focus on 3,025, which is the State water Resource management protection plan, which was 1st enacted by a Senator from the 16th district in 2,008, which the Dep just spoke about of all the sort of monitoring

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02:42:31.300 --> 02:42:55.249

JCC Zoom: that goes on there, large quantity users, and so on and so forth, to basically be even more proactive than what is existing code in 22, 4 with the coal communities. Let's not wait for the aquifer to be deputed. Let's be more proactive. Let's let's do what other surrounding states do in terms of monitoring these situations for these things at significant users to make sure that the residents, the farmers, are protected.

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02:42:55.250 --> 02:43:20.160

JCC Zoom: In the case. We have a continued drought, and there is some. It's not an infinite resource. We were lucky to live in more thriving areas and bountiful areas of water than some of our other States out West. I mean, there's been Supreme court cases over water use rights between States. It's that scarce out there. And so you go past the Mississippi. There's each State has much different laws. But that was the issue I was trying to address

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02:43:20.180 --> 02:43:44.119

JCC Zoom: actually got it on the committee, hearing on the on the House, Gov. Org side, and under the new rules we have, we allow public comment. Once an item is posted on the agenda, and there were 65 comments received on it was actually 30, 26, all in support. I relayed those over to my colleagues in the Senate, unfortunately based on some some circumstances with the chairman, he did not end up running the bill. But

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02:43:44.120 --> 02:43:53.740

JCC Zoom: Senate Govorg did run a similar bill under the same subsection of 2226, 8,

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02:43:53.740 --> 02:44:10.810

JCC Zoom: and was working up until the last day of the session with my Senate colleagues to file amendments on other related bills, to address the situation, to basically protect our water and make sure that the people are protected. Water is incredibly important.

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02:44:11.030 --> 02:44:35.509

JCC Zoom: you know. Obviously, I don't need to reiterate that it's 1 of the basic elements of life. But you know, on Senate Bill 790, but, you know, try to work as best we could. We didn't get it past the finish line this year, but certainly brought a lot of attention to it. It was kind of a we had to really work on our colleagues, who, many of them were experiencing, flooding more recently than lack of water quantity.

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02:44:35.510 --> 02:44:54.989

JCC Zoom: So it's a little different concern up here. But I think they're starting to understand that really want to work with you guys at the county level to give you the tools you need and collaborate with you as best we can. So thank you for for having this. I'll turn it over to Senator Barrett and look forward to any questions you may have. Thank you.

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02:44:55.070 --> 02:45:18.710

JCC Zoom: Well, good afternoon. Appreciate the opportunity to be here. I do realize that this is an incredibly important issue. But I'm also standing in the way of lunch. So I'm going to go again. It's an important issue, and I don't want to make light of that. I do want to give credit to delegate Funkhauser, who just presented, and I think, as you listen to his presentation. You can tell that he's done his homework. He's done a tremendous amount of work

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02:45:18.790 --> 02:45:43.780

JCC Zoom: and research into the issue, and he certainly deserves to be commended for that. As you know, I serve as the Senate finance chairman. So my primary job, this past session was to balance the State's 5.3 billion dollars, general revenue budget. But this issue really, it came up for me during the session, and I spent some time meeting with

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02:45:43.780 --> 02:46:05.569

JCC Zoom: local constituents who live near the area where the proposed site is, and and got to speak to a lot of them and understand and listen to their concerns. What I want to do is really try to just go over a couple of the attempts that we made in the Senate, as it relates to large quantity users specifically those that are water bottling plants.

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02:46:06.070 --> 02:46:18.182

JCC Zoom: The Senate Government Organization Committee, as as you all you know, Senator Rucker chairs, took a couple of bites of the apple or attempted to, and and one of the bills that that

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02:46:18.620 --> 02:46:44.750

JCC Zoom: was actually defeated in the committee, unfortunately, was was helped, drafted by the State Dep, and I think they deserve a lot of credit of this, and I want to make it very clear as we work through legislation. And we proposed amendments and and tried to to address the the concerns and the issues that the residents here in Jefferson County have. We work very closely with the Dep. This isn't just ideas that Jason came up with, and threw against the wall to see what would stick.

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02:46:44.750 --> 02:47:03.569

JCC Zoom: These are well thought out things that where we brought in experts and listened to them, and specifically Scott Manarola, who is the Deputy Secretary of the Dep, the 1st bill that really, I thought was going to gain traction. And then we worked on in the Senate Government Organization Committee.

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02:47:04.400 --> 02:47:18.230

JCC Zoom: First, st it required permitting, through Dep for a large quantity user for a water bottling facility. It required a study to be done. Those are the things on the front end, and that was if it was in cars, topography

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02:47:18.970 --> 02:47:38.600

JCC Zoom: on the back end there would be required monitoring. Then there would also be authority given to the dep to limit or restrict water usage for that large quantity user. If there were negative impacts on surrounding property owners, negative impacts. Whether that was quantity or quality.

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02:47:39.610 --> 02:48:04.059

JCC Zoom: There was testimony from one of the principals of the proposed water bottling plant in Jefferson County, whose primary opposition at that point, or, or, in my view, the sole opposition in that meeting was really about the permitting, through dep as well as the requirement of this additional study.

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02:48:04.220 --> 02:48:26.140

JCC Zoom: and I think that there were a lot of members of of that committee who who thought that that could be overly burdensome. And so that Bill actually was defeated in the committee again, largely because of that opposition to the front. What I refer to as the front end of of this process.

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02:48:28.300 --> 02:48:48.200

JCC Zoom: There was another bill that came to the Senate Finance Committee, and at that point it was a bill dealing with water. It opened up similar section of code. It it really dealt with water usage. So it was absolutely germane to to use to put a strike and insert amendment, which I did in the Finance Committee.

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02:48:48.670 --> 02:49:03.929

JCC Zoom: and it incorporated the back end things that I just explained. It required Usgs to do quarterly monitoring of the wells to provide those reports to the State Dep.

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02:49:04.180 --> 02:49:31.760

JCC Zoom: where these reports would be available to the community. It's my understanding from the Dep that when the Usgs does these type of reports in this monitoring that it's all public information that the public and the folks that live in that area that are concerned can pick their phone up and look to see that their water is not being negatively impacted by this large quantity user.

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02:49:32.350 --> 02:49:37.900

JCC Zoom: And so at that time we were able to get the bill out of the Senate Finance Committee with those

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02:49:38.010 --> 02:50:03.970

JCC Zoom: again back in components to give some peace of mind to the community without slamming the door on industry without saying there's no way possible for you to open and operate. In fact, there were no additional burdens on permitting. There were no additional burdens on additional surveys or studies. It was just once the the plant was operational.

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02:50:04.130 --> 02:50:31.300

JCC Zoom: At that point the bill went down to the to the Senate floor, where we had to offer that amendment, and throughout that the principle was there, from from the proposed water bottling plan here and and at that point you really saw that the opposition shifted. It was no longer about those front end things that I mentioned, because they had been taken out. Now there was a pivot to that to a different opposition. So

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02:50:31.390 --> 02:50:54.780

JCC Zoom: there were that bill, that amendment actually died on the floor, 1915. It was very close. There were several Senators. I think that their opposition came from. They believe this to be a local issue, not a state issue, and I think that there are several of them that I don't

think I know. They came up to me, and they indicated that they understood the concern. They were sympathetic to the concern, and they wouldn't want

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02:50:54.920 --> 02:51:18.970

JCC Zoom: a situation like this in their county. However, they viewed it as a county issue. So that is the approach that we took in the Legislature. We unfortunately came up short, that the process that I just outlined to you as far as voting on the on the Senate floor was the 59th day of the 60th day session, Senator Rucker and I, on the Senate side, did everything possible to try to

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02:51:18.970 --> 02:51:33.049

JCC Zoom: pass legislation that that we believe to be reasonable. The testimony from again, Deputy Secretary Mandarola from the Dep in the Senate Government Organization Committee viewed this and testified that this

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02:51:33.140 --> 02:51:59.919

JCC Zoom: proposed legislation was both reasonable and appropriate, and unfortunately we couldn't get the votes. But that's I just wanted to outline kind of the process that we attempted that we went through in the Senate to try to give again that peace of mind to the residents without slamming door on industry, and Senator Rucker and I I want to make sure that she's unfortunately couldn't be here today. But I do want to acknowledge her hard work on this issue as well.

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02:52:00.620 --> 02:52:21.210

JCC Zoom: Thank you so much I was about to do that Senator Rucker could not make it. Today she is traveling. But, as you said, Senator Barrett, your colleague, also representing Jefferson County down in Charleston. Senator Rucker is chair of the Government Organization Committee that she mentions delegate and played an important role. Here.

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02:52:21.960 --> 02:52:25.429

JCC Zoom: let me open it up to the Commission. I've got a few thoughts.

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02:52:25.960 --> 02:52:39.030

JCC Zoom: You know what. I'm just going to go ahead and start. I'm really interested in this, the feedback you got from your colleagues in Charleston was that it's a county issue. Well, here we are. Here we are right. So

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02:52:39.660 --> 02:52:52.800

JCC Zoom: what I'm really interested in is, if we were to try and do something like this here, the 1st distinction I would draw the legislation and ordinance are very different.

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02:52:53.140 --> 02:53:10.259

JCC Zoom: Y'all have implementing agencies. We just talked to 2 people who work there. They have huge budgets relative to county, but huge budgets. They. They have a lot of expertise. They have a lot of tools. We don't have that here. So if we were to just take a bill and say, Oh, this is now an ordinance that's not going to work.

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02:53:10.888 --> 02:53:27.001

JCC Zoom: There are a lot more technical information that is needed to be written into the ordinance and to to make an ordinance effective. That's why we wanted to form that water Advisory Committee first, st so they could advise on what technical information is needed. So,

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02:53:27.830 --> 02:53:37.679

JCC Zoom: I'm interested in in how this could work at the local level. When I say this, I'm just going to use the the term. Well, monitoring I'm interested in well, monitoring

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02:53:38.687 --> 02:53:42.989

JCC Zoom: and what I would like to do is to

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02:53:43.410 --> 02:53:55.379

JCC Zoom: ask our new Water Advisory Committee. You know, what scientific or technical information would the county need if we were to, if it were to create an ordinance

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02:53:55.660 --> 02:54:10.359

JCC Zoom: or well monitoring, you know, inspired by this legislation. And again, we're asking for technical information. We are not asking the Water advisory committee to draft an ordinance. That's the planning Commission's job.

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02:54:10.520 --> 02:54:18.990

JCC Zoom: But because an ordinance is very different from legislation, it just has to be a lot more technical, a lot more specific.

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02:54:19.120 --> 02:54:27.329

JCC Zoom: So you know what are the missing elements there? I'd like to ask them that question. And for me, my personal view is.

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02:54:27.720 --> 02:54:32.820

JCC Zoom: I'm not comfortable focusing on water bottling.

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02:54:33.160 --> 02:54:37.130

JCC Zoom: It seems too narrow. It seems like it's

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02:54:38.590 --> 02:54:42.300

JCC Zoom: targeting an industry. And I don't for me that's not appropriate.

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02:54:42.440 --> 02:55:01.639

JCC Zoom: Of course, in the legislature. It's it's a very different context. The feedback I think, that you all got was, well, let's not expand it to every industry. That's a huge problem. Let's focus right? We have to be able to get the votes for legislation. I get it different context here. Sure, right? And and yet I'm not comfortable

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02:55:01.640 --> 02:55:14.919

JCC Zoom: focusing on water bottling. So my question would be, you know, if we were. Perhaps I don't speak for the Commission, but perhaps if we were motivated by desire to avoid targeting particular use or industry.

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02:55:15.020 --> 02:55:19.150

JCC Zoom: Is there a different way to focus on

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02:55:19.530 --> 02:55:24.469

JCC Zoom: uses that take water out of our ecosystem and do not replenish it.

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02:55:25.860 --> 02:55:27.989

JCC Zoom: Not by saying water bottling.

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02:55:28.090 --> 02:55:35.760

JCC Zoom: But is there? Is there science that can describe this phenomenon where water comes out of our county and doesn't go back.

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02:55:36.030 --> 02:55:39.620

JCC Zoom: Farmer uses water to irrigate, dig water out.

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02:55:39.900 --> 02:55:52.930

JCC Zoom: irrigate. Guess where it goes. It goes back in the system. Obviously, I'm not a scientist. That's why we have a technical advisory committee. I couldn't really explain it. That well, but that's the layman's terms. Same with

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02:55:53.270 --> 02:55:54.760

JCC Zoom: same with a golf course.

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02:55:55.660 --> 02:56:06.129

JCC Zoom: Water. The the course uses a hell of a lot of water. It's an Lq U large quantity user, but it goes back into the cat right? But so is there a way to

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02:56:06.430 --> 02:56:20.909

JCC Zoom: look at uses that do not put the water back into our county's ecosystem without saying water bottle, because that that to me is inappropriate, and I think the answer to that question is a scientific answer.

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02:56:21.030 --> 02:56:40.699

JCC Zoom: and I don't know the answer. But I'd like to ask our Water Advisory committee that question. And I think if we ask the new Water Advisory Committee those questions and get that feedback, then we can talk as a commission and see if this is something we'd like to pursue and ask the planning commission to draft.

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02:56:41.030 --> 02:56:46.179

JCC Zoom: That's my view. Well, first, st I'd like to thank you, President Majshi, for

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02:56:46.510 --> 02:57:15.121

JCC Zoom: arranging this today, because this was under your leadership that we were able to get Dep and all these moving pieces here today to talk about a very important issue this year for our county. So thank you. I appreciate that. I agree. I think this is more of a technical expertise that I would I would want to lean in on, and we have some technical experts that have joined the fold. So I would certainly like to look at how they're doing this. I mean, this is something we could potentially

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02:57:16.020 --> 02:57:17.140

JCC Zoom: under their

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02:57:17.300 --> 02:57:29.910

JCC Zoom: opinions, look at our subdivision regulations and other things impacts. And with the Health Department when they're doing their initial permits. So I could see that fitting in both of those categories that were either. I just like to say that

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02:57:30.010 --> 02:57:32.210

JCC Zoom: I agree wholeheartedly with the

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02:57:32.540 --> 02:57:52.020

JCC Zoom: President's comments. Very, very well stated. Good question. Good summary. Thank you for your presentation. I'm not going to drone on about it because I think you've you've covered it. You guys have covered it. So let's go. Yeah. I agree as well. I think it's the right direction to start heading to deal with the future.

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02:57:52.790 --> 02:58:17.569

JCC Zoom: if I may. 2 things. One thing I would be remiss if I didn't credit delegate ride now for co-sponsoring those bills and amendments. You know, he was obviously very significant concern for him. So I just want to make sure that was on the record here. And then, secondly, you know there are. I'm not an expert on your county ordinances on what powers you do have. But there are certain things that are a state level function like the dep

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02:58:17.570 --> 02:58:37.010

JCC Zoom: permitting process. So that's, I guess, would be my suggestion for your newly instituted committee on what? What's sort of are all your options as a county, and and then I guess the second one we will. What do you need us? What other tools do you need in your toolbox, so to speak, that we can affect change at the legislative level.

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02:58:38.396 --> 02:58:58.740

JCC Zoom: I do have a quick question. We're talking about cars. Land here. Do we know how many counties in the State have cars? Is this just the Panhandle? No, it is not we. We looked at that number, Commissioner. I don't have that number there was in committee. We talked about another potential bottle bottling facility.

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02:58:58.740 --> 02:59:13.149

JCC Zoom: I believe, in the Fayette County area, maybe green somewhere in that area of the State. So it's a lot of those counties east of that area. So I don't want to put a number on it. But it is not just the Eastern pen. Okay? And may I add to that is

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02:59:13.150 --> 02:59:33.470

JCC Zoom: so? We we both tried to do some sort of limiting principle where it didn't apply to the whole State where we wouldn't get unnecessary opponents. So when you say cars topography, when you look at the Karst map of West Virginia, it's basically the eastern half of the State, from Morgantown down to Monroe, and everything east of that. Now, if you say majority cars topography, I believe it's only Jefferson and Berkeley

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02:59:33.763 --> 03:00:00.740

JCC Zoom: in my bill, the initial 30, 25, I said, counties with countywide that are considered growth counties that have countywide zoning that would only apply to Jefferson and Putnam, and I did speak

with my colleagues in Putnam, and they don't have a problem. Their birthplaces, their their nickname is the birthplace of rivers so very different there down in Putnam County than here in Jefferson. And one thing I think, during this session that I learned is that Jefferson County has the highest level of cars topography in the State.

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03:00:00.840 --> 03:00:07.560

JCC Zoom: So it's a very central issue for our county, and that's that's good and bad.

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03:00:07.710 --> 03:00:13.630

JCC Zoom: One good is because if you have cars you have an enormous recharge rate, too. So it's that's a good part.

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03:00:13.750 --> 03:00:26.951

JCC Zoom: There's some bad parts, too. I'll leave it that you had meant. You had mentioned that the last study said we had. We only use 16% of our well water, that I think it was done in 2012, 2012. Is that right? Sound? Right? I believe. So.

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03:00:27.350 --> 03:00:50.329

JCC Zoom: what the biggest thing that we need to do? We're trying to. We're trying to figure out how much water we have. Obviously, 10 years ago, a little over 10 years ago, we were only using 16%. Obviously, we've grown since then a little bit. I don't know how. I don't know how much. I don't have the numbers. I'm sure our our engineers, Roger, would have that in the permitting. The biggest thing we need to know is how much water we have now.

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03:00:50.540 --> 03:01:08.709

JCC Zoom: And since we had before us the State finance chairman, and we need a lot of money to do that. So is there like a can we ask? Get a request done for a special session in a couple months, and we just, you know, flip us over about 800,000. We can make this happen, Commissioner. You can ask for anything.

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03:01:10.256 --> 03:01:30.619

JCC Zoom: You know, that's something that I think that we would like to see what kind of proposal you have, what? You know the importance obviously is there? But you know what kind of skin in the game you guys are going to have. And and you know, where are there some other, whether Federal grants or you know where? Where there are other pots of money, or or if there's something that we can help with on the State level. To take out. A general revenue is probably not

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03:01:30.620 --> 03:01:42.390

JCC Zoom: a viable option, but but we can certainly help to see where there are pots of money where we could help, if that's possible. Okay, I spoke with Director Bandy at an informal level about this and

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03:01:42.700 --> 03:02:04.471

JCC Zoom: there's interest in collaboration. So let's get the stakeholders together. I think the study was going to tell us everything we need to know. And they might say, Hey, you don't have to worry about anything for another 100 years, or they could say, Hey, you better start monitoring. Everybody's well, I don't know. I mean, we don't know. We don't know. We don't know. Sure. Well, I'm happy to help. Yeah, one more comment on the subject, and then

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03:02:04.820 --> 03:02:12.840

JCC Zoom: and then a process issue on the subject. We are trying to maintain water for farmers.

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03:02:14.230 --> 03:02:16.119

JCC Zoom: so there's water use.

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03:02:16.340 --> 03:02:20.859

JCC Zoom: Can't suck up all the water and then leave the farmers at the end. That is what we're trying to do.

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03:02:21.510 --> 03:02:29.889

JCC Zoom: If the way we approach. This is heading in the wrong direction, and it's unintentionally restricting farmers from using water.

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03:02:30.080 --> 03:02:34.209

JCC Zoom: Please call us. Tell us it's on the record. I'm saying it.

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03:02:34.310 --> 03:02:42.330

JCC Zoom: See, you got a lot of friends in the farming community. Let them know we don't want that to happen. They'll come after you with the pitch works for sure, guarantee it.

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03:02:42.470 --> 03:03:06.859

JCC Zoom: and then the last you will know. You will know we'll hear. You will hear it. And then the last thing I want to say, delicate funkhauser. We've had conversations about roads, Senator Barrett. We've had conversations about data centers. Now we're talking about water. We've got the different levels of government working together here and collaborating. This is excellent. Let's keep working together. Thank you for your time.

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03:03:07.160 --> 03:03:08.040

JCC Zoom: Thank you.

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03:03:11.320 --> 03:03:16.519

JCC Zoom: Could we take a photo with our senator and delegate mom here

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03:03:25.533 --> 03:03:34.099

JCC Zoom: anybody needs

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03:03:53.060 --> 03:03:59.139

JCC Zoom: it's hot in here definitely in Charleston.

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03:04:00.025 --> 03:04:05.639

JCC Zoom: Just saying, Thank you, Senator. Thank you. Delegate.

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03:04:06.340 --> 03:04:30.070

JCC Zoom: Normally, we'd say, take a break. We are not going to take a break charge on. Yeah, yeah, let's keep going. We want to hit these last 2 items. Where are monsters? Oh, you have a monster before number 9 before lunch. We are. Steve is right. Number 9. Let's go. Okay. Next on the agenda, Matt Harvey, prosecuting attorney, page 364 to 366 is the an approval of higher. That, I believe, is budget neutral.

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03:04:30.080 --> 03:04:55.780

JCC Zoom: It is. Well, see, we'll get that out first, st and then save time because you're right for lunch. I promise you I'll make this brief. I know I'm a lawyer, but I can speak quickly, if you want, or I can be brief. Can you give Nathan Cochran some pointers? Sure. All right. Good afternoon, Commissioners again. I'm Adam Ward. I'm an assistant prosecuting attorney here on behalf of Matt Harvey in the prosecuting attorney's office.

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03:04:55.890 --> 03:05:07.600

JCC Zoom: I have 2 brief requests. The 1st is, I'm asking for the Commission to authorize the hiring of Timothy Hellman as an assistant prosecuting attorney at the budgeted amount of \$128,000 a year.

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03:05:07.770 --> 03:05:16.190

JCC Zoom: Mr. Hellman's background is, he was assistant prosecuting attorney here. He has Federal experience, and he would be a great asset to the office if we could hire him.

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03:05:16.360 --> 03:05:33.010

JCC Zoom: so I would ask for that, and I believe, as the Commission's already pointed out, it is budget neutral. Additionally, the prosecuting