

HC 64 Box 41
Yellow Spring, WV 26865
December 8, 1999

Charles M. Combs, Environmental Inspector
WV Division of Environmental Protection
Office of Mining and Reclamation
Inspection and Enforcement
105 South Railroad Street
Philippi, WV 26416

Dear Sir:

This letter is pursuant to our recent inquiry regarding the shale pit at Hooks Mill Road and Cacapon River Road, adjacent to our property. Last week we received a copy of the MR-35 Complaint Investigation.

The mining activity at this site has been quite heavy this year, as 3 - 15 dump truck loads of shale are removed in a day, often working from 7 a.m. till dark, sometimes with two trucks at a time. This has been occurring pretty much year-round every few weeks or so, usually for three to five days in a row, but occasionally only one day here or there. The trucks (mostly ones marked "Dwight Whitacre and Sons Excavating", although there have at times been other trucks as well) have headed in different directions on different days indicating to us that this shale has been used on more than one project. For example, on Monday and Tuesday of this week the trucks took numerous loads toward Yellow Spring (and we saw them at the Route 259 bridge project there), and today a few loads were taken in the opposite direction toward Capon Bridge.

We are interested in being kept informed of your office's contact with Mr. Brill regarding this matter. This mining is very intrusive to us, with all the noise and dust being generated less than 150 yards from, and within clear sight and earshot of, our house. During heavy rains we have heard shale slides.

We understand that this shale pit is being operated without a license and we would like to see this mining operation curtailed.

Thank you very much for your attention to this matter.

Kirsten Weiblen
Eric Burleyson