



**Division of Mining and Reclamation**

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**West Virginia Department of Environmental Protection**

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Bob Wise  
Governor

Michael O. Callaghan  
Secretary

6 May 2002

Kirsten Weiblen  
HC 61, Box 41  
Yellow Spring, WV 26865-9507

CERTIFIED MAIL  
7099 3400 0003 7467 2438

Dear Ms. Weiblen;

Your correspondence to DMR Director Matthew B. Crum, dated 24 April 2002, has been routed to me for response.

In regards to your Freedom of Information Act (FOIA) request for a copy of the permit for the quarry site at the junction of Hooks Mill Road and Cacapon River Road: No such permit exists. I have copied and enclosed the following file documents for your information. 1) Letter to Mr. Brill from myself, dated 6 December 1999; 2) Department of Highways (DOH) agreement dated 4-3-96, of which a copy was received in Philippi DMR office on 22 December 1999; 3) DOH agreement dated 20 January 2000, of which a copy was received in Philippi DMR office on 16 February 2000; and 4) letter to Mr. Brill from myself dated 23 February 2000. These are the documents in our file addressing a quarry permit.

Since the site has no quarry permit, it follows that there is no reclamation plan as per 22-4-17 of the Act. This site has historically been viewed as an exempt activity both under the old quarry law and the new (June, 2002) quarry law at 22-4-29. The existing site reclamation plan is found in the DOH agreement dated 20 January 2000 (22-4-29(a)).

I am also enclosing a copy of the newly formulated policy dated 1 May 2002 regarding quarry exemptions under 22-4-29.

Furthermore, the Agency is considering submitting a modification to the Quarry and Reclamation Act (22-4) regarding exempted sites to the Legislature for consideration at the next legislative session in the spring of 2003.

Be advised that according to 22-4-25 of the Act, any person claiming to be aggrieved or adversely affected by any ruling or order of the Director or his or her failure to enter an order may appeal to the Surface Mine Board for an order vacating or modifying the ruling or order, or for an order that the Director should have entered.

Sincerely,

L. Brent Wiles  
Environmental Supervisor

CC: Matthew B. Crum  
Harold M. Parsons