



---

west virginia department of environmental protection

---

Division of Mining and Reclamation  
105 South Railroad Street, Suite 301  
Philippi, WV 26416-9998  
Phone: 304-457-3219  
FAX: 304-457-5613

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

29 August 2005

Kirsten Weiblen  
HC 64, Box 41  
Yellow Spring, WV 26865-9507

Dear Ms. Weiblen;

Your correspondence Jennifer Wellock Murdock, Structural Historian for Review and Compliance, WV Division of Culture and History, dated 28 July 2005, has been routed to me for a response.

WV Department of Environmental Protection, Division of Mining and Reclamation policy concerning "Wildcat Operations" dated November 1, 2001, revised May 1 2002, (copy provided) has not changed since our last communication on or about 6 May 2002. This policy further clarifies "Borrow Pits" as defined under Chapter 22, Article 4, Section 3(4) as "an area from which soil, non-classified minerals, or other materials are removed to be used without further processing is a borrow pit and does not require a quarry permit. This includes activities such as landscaping, building construction, or highway maintenance and construction. Non-classified minerals means that the mineral being extracted is not required to meet any standards or specifications (such as site specific construction or ASTM Standards)." The "quarry permit" in reference here is a permit under Chapter 22, Article 4 of the Code of WV, the "Quarry Reclamation Act". WVDEP Division of Mining and Reclamation administers and enforces Chapter 22, Article 4.

Your letter refers to the "NPDES Storm Water Permit". NPDES Storm Water permits are reviewed and issued by WVDEP Division of Water Resources under Chapter 22, Article 11, Code of WV. Since this site has no Chapter 22, Article 4 (Quarry) permit, I must assume that the permit renewal of which you speak is for an NPDES Storm Water permit under Chapter 22, Article 11. Your questions regarding the applicability of SHPO review for this type of permit should be directed to WVDEP, Division of Water Resources Permitting Section. I have been advised that the NPDES permitting functions from the Romney area are being temporarily handled through the Fairmont DEP DWR Office, 2031 Pleasant Valley Road, Fairmont, WV, 26554, Attn: Andy Weeks, 304-368-3960. I am copying this correspondence to Mr. Weeks for his review and/or response.

Promoting a healthy environment.

Be advised that according to 22-4-25 of the Quarry Reclamation 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.

Cordially,

A handwritten signature in black ink, appearing to read "L. Brent Wiles". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

L. Brent Wiles  
Environmental Supervisor  
Division of Mining and Reclamation

CC:

Susan M. Pierce, Deputy Historic Preservation Officer, 1900 Kanawha Blvd, E., Charleston, WV, 25305

Randy Huffman, Director, DMR

Harold, M. Parsons, Jr., Deputy Director, DMR

Jeff McCormick, Deputy Director, DMR

Andy Weeks, Permit Writer, Division of Water Resources, 2031 Pleasant Valley Road, Fairmont, WV, 26554