

Director, Division of Water and Management, DEP
ATTN: Sharon Mullins, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

Re: Application No. WVR110602
Berkeley Springs Bypass Construction

Ms. Mullins:

We are writing to request that a public hearing be held in Berkeley Springs regarding the NPDES permit application by WVDOH to construct a bypass in the Warm Spring Run watershed. The Warm Springs Watershed Association has been active in the Berkeley Springs community since 2012. We annually monitor and report to WVDEP the water quality of Warm Springs Run, have commissioned a number of watershed assessments, and have installed numerous best management practices and demonstration projects in the watershed that will be affected by the proposed activity.

The construction disturbs a significant amount of land, impacts 14,650 feet of stream and 14.8 acres of floodplain. This amount of disturbance in a watershed subject to flash flooding requires additional information not found in the permit application. A few of the concerns raised by the application include:

- The application places the burden on the successful low bidder to the project to interpret the necessary protections to streams and wetlands in the area. This seems deficient and an abdication of necessary guidance.
- Over 89% of the area is comprised of Weikert or Weikert -Berks Soils, with highly erodible fine and usually with less than 18 to bedrock. The soil has severe limitations for construction of embankments and ability to establish vegetation.
- The calculations used for sizing sediment basins uses a woods/grass combination in good or fair condition and a Hydrologic Soil Group B infiltration as the basis for sizing all basins. The soil is Hydrologic Group D, and there are many areas that would be considered poor cover due to the documented depletion of top soil and organic matter. The soil is typically less than
- The watershed hydrology is increasingly subject to flash flooding resulting from lower amounts of rain. It is a narrow watershed with a large amount of impervious area. The addition of a number of sediment basins have altered the time of concentration and appear to increase the number of out of bank occurrences resulting in increased flood damage. Adding additional basins without improving infiltration of collected runoff will exacerbate flooding for the community.
- Forested areas and urban tree canopy are important flood control methods for the community. The removal of over 100 acres of trees and conversion to impervious area will alter the stream conditions.

The opportunity to discuss mitigation was not afforded to the community because the WVDOH completed a renewal of an Environmental Impact Statement that was 20 years old. As a result, residents

are in the dark as to what, if any mitigation will be done to offset the negative environmental effects of construction. We are concerned that issues that have been raised during public meetings have gone unheeded by WVDOH and the minimal thought and process in this NPDES application seems to verify that.

We are requesting that a public hearing be held in Berkeley Springs to provide the opportunity to provide more detailed information regarding our concerns and afford the community residents more time to discuss mitigation needed as a result of this project.

Sincerely,

Katherine Lehman, President