## WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD CHARLESTON, WEST VIRGINIA

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OCT 2 2024

Environmental Quality
Board

Jay and Pamela McClelland	
APPELLANT'S NAME,	
Appellant,	04 11 EOR
V.	Appeal No. 24-11-EQB
DIRECTOR, DIVISION OF	
WaterandWasteManagement	
DEPARTMENT OF	
ENVIRONMENTAL PROTECTION,	
Appellee.	
N	OTICE OF APPEAL
	med above respectfully represent(s) that it is aggrieved by (identify the off the order or permit): Order# UST-24-023 Closure# C-8182-2016
Relief Requested: The appellant therefore practice (describe the relief sought): Drop order and finalized	ays that this matter be reviewed and that the Board grant the following e closure report. Please see attached information on grievance. Thank you
	o the action, including questions of fact and law to be determined by the paragraphs and attached hereto. The objections may be factual or legal.
Amendment of this Notice of Appeal may be	had only by leave of the Board, and only for good cause shown.
Dated this 26th day of September,	2024
	(Signature) PO Box 1342 (Address) Freer TX 78357
	(210)241-7055
	(Telephone)

## **CERTIFICATE OF SERVICE:**

I, (Jay + Rimela McClelland), do hereby certify that I, on this ( 9/21/2024), served the attached (UST-24-023 to all parties in Appeal no. ( 1701531 ), as follows:

by United States Mail, postage prepaid:

Kenna DeRaimo, Clerk Environmental Quality Board 601 57th Street, SE Charleston, WV 25304

(WVDEP - OFFICE OF LEGAL SERVICES) 601 57th Street, SE Charleston, WV 25304

(DIRECTOR, DIVISION OF WATER AND WASTE MANAGEMENT) 601 57th Street, SE Charleston, WV 25304

(NAME OF INTERVENOR)
Person or Company holding
the permit - if other than yourself)

Jay + Pamela Mc Clelland (YOUR NAME)

(When filing any appeal related motions, documents or materials you must provide copies to all parties of the appeal. To certify that you have done this, include the names and addresses of all parties to the appeal on the Certificate of Service and attach it as the last page of the document. \*\* Any names and addresses of additional parties to the appeal will be supplied to you in the Certificate of Service attached to the Notice of Hearing issued by the Environmental Quality Board.)

Closure# C-8182-2016 Leak ID# 16-021

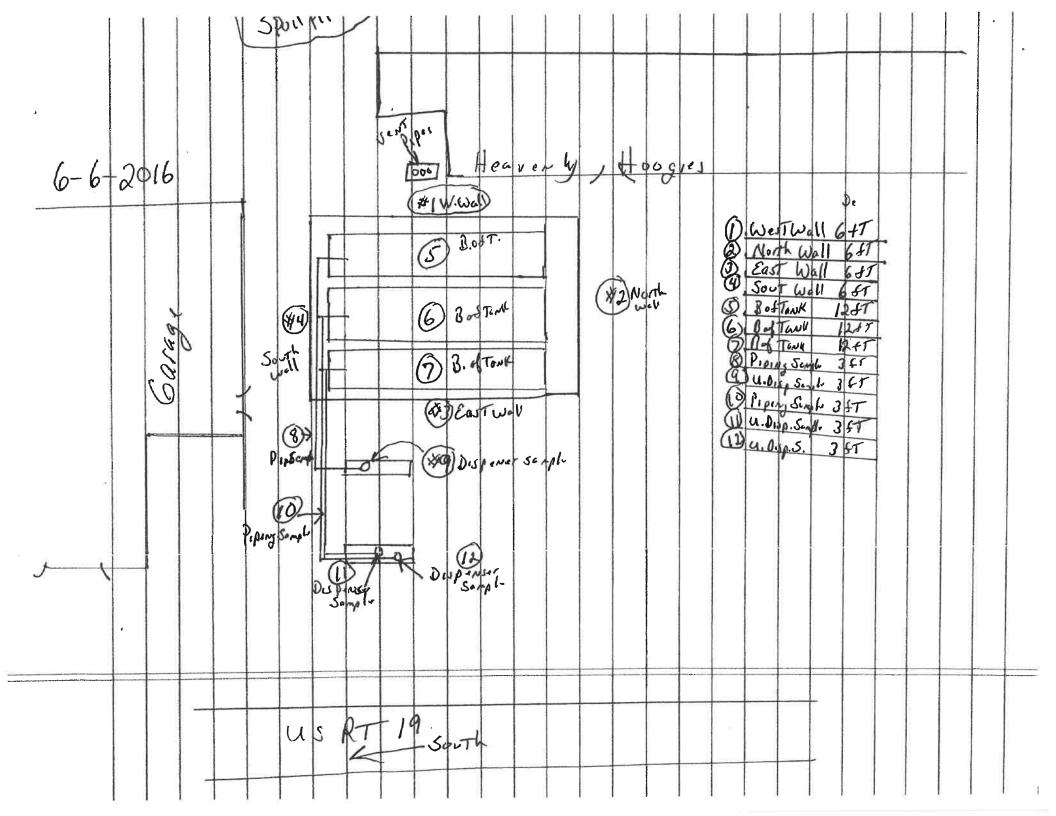
## To all this may concern

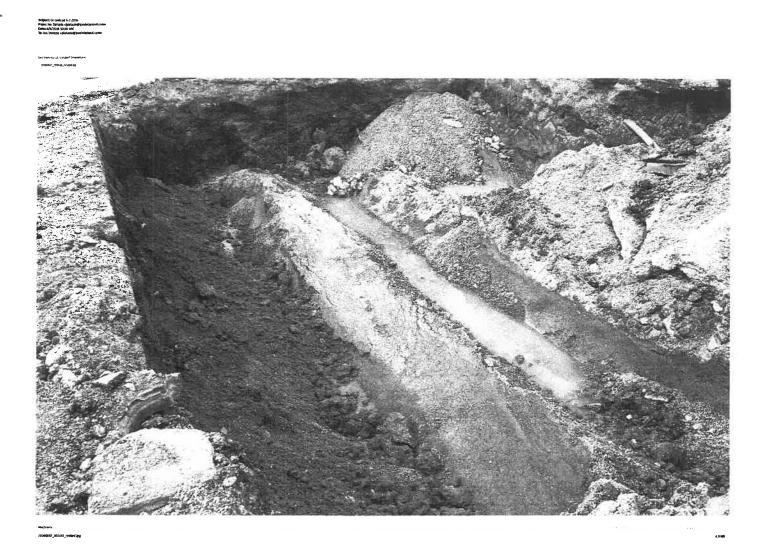
- 1. May I start with saying that I appreciate and respect the DEP. I live in Texas and my employment is with an enviro-company "Veolia Water Technologies". I do like to think that I'm enviromentaly friendly. So I was blindsided to receive this copy of the Confirmed Release Notice. We never received the notice or copy until 9/11/2023. The initial attempt from the DEP was dated 9/23/2016. Seven years later was the 1st we were made aware of this. The certified mail was signed and received by Wilma VanOrder.
- 2. At the time we received the closure report we thought things were all good. See attached memo from contractor Joe Defazio to James Tallman DEP. Fairmont. When we confirmed with contractor's they stated 2 samples came back high. They then excavated more and assumed we were good.
- 3. Joe Defazio stated if anything further needed to be done that James Tallman would stop by or we would recieve something via mail (we never did) until 7 years later from Justin Tincher.
- 4. In closing please consider the following to dismiss order and finalize the closure report based on the following
- 5. 7 year delay on the communicating issue. We did not receive any further instructions, guidence, or orders
- 6. 2 of the 13 samples 1 from North wall and 1 from South wall

came back high in benzene. Also lab stated they received samples unsealed. Leading to possible contamination.

- 7. water and bottoms were fine...please see attached photo's from closure report
- 8. over excavation done on North and South wall and set to anerobic site at time...please see attached photo from report I would like to think if any contaminants still were present biodegradation would diminish in 7 years
- 9. since 2016 the parking lot has had city sewage lines ran through it and it took years of packing rock after settling of fill
- 10. Also on a personal note the property is a monthly burden to my wife and I. We had to take out a loan against it when we closed in 2016 to pay off dept to creditors associated with the business. We are barely making loan payment/insurance/taxes associated to it.We don't know where this leads but we can't financially afford to proceed with sampling/excavation and other associated cost.

Sincerely and Thank You Jay and Pamela McClelland





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