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To: Charles Town Utility Board (CTUB)

Subject: Opposition to the Proposed Mountain Pure Water Bottling Facility in Middleway

From: The Rev. Robert Shives (Middleway Resident)

Dear Members of CTUB

I am writing to respectfully request that you reject or rescind your agreement with Sidewinder/Mountain Pure for the proposed Mountain Pure Water Bottling Facility in Middleway. This project poses significant risks to the historic, environmental, and social fabric of our community and does not conform to the zoning ordinance. Additionally, groundwater resources must be protected for the rural residents, farmers, and ranchers who depend on them for their livelihoods.

As a resident of Middleway, I am deeply concerned about the potential impacts of this project.

I live at the corner of East and Grace Streets, where I have already experienced near-misses with large trucks navigating our historic village's narrow, one-lane roads. Increased heavy truck traffic would further jeopardize the safety of my family and neighbors. Traffic frequently backs up at the intersection of Route 51 and Leetown Road, forcing motorists to use Grace and East Streets as shortcuts. This has already created hazardous conditions, and the addition of heavy trucks would only worsen the situation.

Middleway, a historic village dating back to 1734, is listed on the National Register of Historic Places. This designation should afford certain protection. As the Planning Commission, it is your duty, alongside residents and the Middleway Conservancy, to safeguard this valuable historic district. Middleway currently offers a self-guided walking tour, with kiosks and pamphlets directing visitors along Queen, King, Grace, and East Streets. The proposed increase in traffic—over 4,000 vehicles per day—would endanger historic buildings and discourage tourism due to safety concerns caused by semi-trucks traversing our small village. The route on which they plan to lay water lines could impact historical cemeteries, in fact, disturbing possible civil war graves. The importance of the historicity of Middleway has also been acknowledged by being added as an endangered property by the Preservation Alliance of WV.

Above all, it is our duty as citizens and elected officials of Jefferson County to protect and preserve the rich history of this area. Allowing a company from the West Coast—one that has shown little regard for our heritage—to exploit our natural resources for profit would represent a profound failure of leadership and stewardship.

Sidewinder/Mountain Pure has demonstrated a complete lack of due diligence in addressing the scientific data that clearly predicts significant negative impacts on surrounding wells due to their large-scale water usage. They have also failed to acknowledge the serious consequences that will arise—not just hypothetically, but inevitably—should fissures or sinkholes develop. Furthermore, they have neglected to account for the dangers posed by the toxic plume from their facility, offering no clear plan for containment, mitigation, or long-term environmental responsibility. Their disregard for these critical environmental risks raises serious concerns about

their commitment to the well-being of the community and the sustainability of local water resources.

The proposed Mountain Pure Water Bottling Facility is incompatible with the zoning ordinance and threatens Middleway's historic, environmental, and social integrity. A company from the West Coast may not fully comprehend the historic significance of areas in the East, prioritizing development and resource exploitation at the expense of residents.

I respectfully urge you to rescind your agreement for this proposed project.

Thank you for your attention and dedication to safeguarding Jefferson County's heritage and resources.

Sincerely,

Rev. Robert & Kim Shives

(2)

February 2nd, 2025

Dear Members of the Charles Town Utility Board,

I am writing to respectfully request that CTUB **postpones any decision on the proposed agreement** with Sidewinder Enterprises until after the February 11, 2025, Concept Plan Public Workshop for their proposed development. This is a crucial matter for Middleway, and committing to this agreement before the fate of the project is determined would be premature and could place our community in an impossible position.

I understand that CTUB has obtained the DOH easement permit, which allows the developer to move forward with their concept plan review. However, this does **not** mean CTUB must approve the agreement before February 11. The concept plan is still under review, and if it is not approved, the justification for this agreement may no longer exist. Approving the agreement now, before knowing whether the project will move forward, **puts Middleway in a position where a major commitment is being made without all the necessary information.**

The way this agreement has been positioned forces Middleway into an unfair and urgent choice:

1. Accept an unwanted bottling plant, knowing that it could harm local wells and change the character of Middleway, in exchange for public water through CTUB.
2. Reject the agreement and risk a private utility stepping in, which the community fears could lead to higher rates and less public oversight.
3. Try to stop the bottling plant while also pushing for public water, even though CTUB has linked its expansion to the approval of this development.

This situation is untenable. The expansion of public utilities should be driven by the needs and desires of the community, not leveraged as a condition for approving a single development project.

By delaying your decision, it allows all to fully understand the implications of this agreement in light of the concept plan outcome. If the plan is denied, the justification for this agreement disappears, and Middleway and CTUB would have an opportunity to explore a more community-focused path forward for public water access.

I am not against public water as a concept, but I have a critical, personal concern. If the bottling plant depletes my well, I would be forced onto municipal water, but my farm animals would not be able to drink it. Worse yet, because my property is in Middleway and not covered under Sidewinder's short-sighted bond, I would not even have the option to have them cover the cost to redrill my well. This would force me to rehome my animals.

If this decision existed in a vacuum, choosing CTUB over the alternative would be a no-brainer. But it doesn't. This is an impossible position we have *all* found ourselves in. I urge you to delay

the vote on this agreement until after the concept plan decision, if possible. Thank you for your time and consideration. I appreciate your commitment to serving the public interest and ensuring responsible planning for our region's future.

Jessie Norris
Middleway Resident

From: Jerri Tribble <tribbleja17@gmail.com>
Sent: Monday, February 3, 2025 9:02 PM
To: michaelshpepp@me.com; louthan@frontiernet.net; jware@greenhorizonsturf.com; donniefisher@yahoo.com; tim@rsdhorseauctions.com; howell.aaron.j@gmail.com; ckeys@jeffersoncountywv.org; planningdepartment@jeffersoncountywv.org; Ashley Stottlemyer
Cc: jeffersoncountyfoundation@gmail.com
Subject: Please DENY Mountain Pure and the CTUB Public Utility Service Agreement with Sidewinder Enterprises, LLC at Middleway

Dear Members of Jefferson County Planning Commission and Charles Town Utility Board,

I grew up in Jefferson County where some of my family members still reside and care for the family farm of 28 acres. I am writing to ask you to **DENY** the Mountain Pure Concept Plan, submitted by Integrity Federal Services on behalf of owner/applicant Sidewinder Enterprises, LLC (Jefferson County File Number 24-6-SP and its updated and supplemental documents).

My family (like all residents of Jefferson and neighboring counties) has suffered from drought especially in the last recent years. My family has had to re-drill their water well twice each time deeper and at considerable expense. This past summer (2024), my family could not water vegetable gardens and had to limit critical water use including toilet flushing, for fear of running their current well dry. Even the application's supplemental evaluation by Triad Engineering, noted their visit on June 6, 2023, "... was during a period of severe drought." The applicant's Dec 6 update, addressing the impact of their assumed pumping rates on water level, appears inconsistent and certainly represents a risk to my family's water supply, increasing the risk of having to re-drill wells at greater depths and expense.

My family has also watched at least two sink holes on our property and watched the tragedy of a house less than 5 miles away on VA Route 672, collapse into a sink hole so quickly that the owner could not get out. This was all before we had heard or read anything about such a plan to extract ground water for the **proposed bottling facility less than 7 miles away from our family farm & home**. The applicant's Dec 6 update cited above, has been challenged by another hydrogeology expert (Jefferson County Foundation, Inc), giving me no comfort on the real impact of the proposed ground water extraction on the risk of sink holes across the county including our family property.

In reviewing the applicant's documents*, I can sympathize with your job. In these documents, Owner/Applicant Sidewinder Enterprises, LLC, does not acknowledge their ground water extraction intent, nor do they address the risk of their proposal amid the existing pollution plume from the prior 3M facility, until their memo responding to your staff's Nov 12 request. These omissions are either criminally incompetent or more likely an intentional deception knowing (1) ground water extraction is not a permitted or even conditionally permitted land use and (2) the inherited pollution risks at this site. Its manipulation of the Charles Town Utility Board as evidenced by the CTUB rescinding their agreement and the questionable assertions within that initial agreement, gives weight to the applicant's questionable integrity. Their Dec 6 update addressing dichloroethane and trichloroethane, claim only that the residual pollutants are still present. Any risk of introducing them into neighboring water supplies is **unacceptable**, and likely to lead to failure of a business selling "Mountain Pure water" from such a site.

I have driven through Middleway many times on my way to Shepherd College where I graduated in 1980 with a Bachelors degree in Chemistry and Math, (now Shepherd University where my daughter graduated in 2018). Middleway's historic homes and buildings reside immediately close to the current road. Truck traffic is simply incompatible with the main street and its principal side streets.

Please **DENY** this Mountain Pure concept plan (24-6-SP) and any agreement with Sidewinder Enterprises, LLC, because its proposed groundwater extraction is not a permitted use in any zone in Jefferson County, it would put my family and their property at increased risk of well re-drilling and sink holes and this development will destroy the historic character of Middleway.

Sincerely,
Jerri A. Tribble, Ph.D.
Lexington Park, MD 20653

From: Kandice Freeman <kandicenfreeman@gmail.com>
Sent: Tuesday, February 4, 2025 3:43 PM
To: Ashley Stottlemeyer
Subject: CTUB Special Meeting Concerns

Good Afternoon,

I am a property owner in Charles Town and was told about the upcoming special meeting tomorrow.

I am writing to express my concern about the environmental impacts of the bottling plant being considered for the community. My concerns are as follows:

1. Specifically I am concerned that with the water levels already decreasing, how can we make sure that a neutral unbiased evaluation of the aquifer is completed?
2. \$1M currently proposed to cover potential claims from homeowners and landowners like myself seems extremely low and insufficient considering the magnitude of potential issues. That may only be able to help a handful of residents. A more reasonable estimate would be a percentage of the total value of all properties using the aquifer that they plan to pump from. How will claims coverage and other safeguards be put in place that are in the best interest of the property owners to be protected?
3. What considerations and what proactive measures is CTUB putting in place to make sure the water table is being replenished, and toxic plumes are mitigated? Having these plans and measures proactively in place to curb the negative impacts to our property values is of critical importance to me.
4. I think, if permitted to proceed, I think the water company needs to account to pay for complete water testing for all property owners to make sure that our drinking water is safe.

Thank you in advance for answering my concerns.

Kandice Freeman

“Dear friend, I pray that you may enjoy good health and that all may go well with you, even as your soul is getting along well..”-3John 1:2

From: Stacy Chapman <stacylchapman@aol.com>
Sent: Tuesday, February 4, 2025 12:08 PM
To: Ashley Stottlemeyer
Subject: Sidewinder Agreement Comment

To Members of the Charles Town Utility Board,

I respectfully ask CTUB to carefully reconsider the agreement between itself and Sidewinder. The Sidewinder Agreement 2.0 is as ill-conceived as the concept plan for the Mountain Pure water bottling facility. CTUB did not decide that Middleway and its residents were clamoring to have public water and developed a plan for that to happen. It is quite the contrary. Middleway residents overwhelming oppose the water bottling plant and the possibility of public water. I continue to be troubled that a public utility company, funded by rate payers, has developed a major project without, until now, transparency or public input.

Why does it appear that the agreement solely reflects Sidewinder's interests and does not address any resident's interests or concerns?

Was the agreement to solely facilitate a commercial business and using the possibility of a public water supply was merely a way to obtain a DOH permit?

Why has CTUB not waited for an independent water study be conducted to evaluate the sustainability of the water supply and its impact on the surrounding homes and farms outside of CTUB's possible network?

Why does the agreement specifically prioritize Sidewinder's water supply over CTUB's customers?

Once the Turkey Run Spring marl wetland is damaged and the WVDEP forces the pumping to stop, how will Middleway then get its water?

Who will be held liable when the toxic plume moves and contaminates the wells of the homes and farms throughout Jefferson County?

Why does the pipeline cut through the heart of our historic district without any apparent consideration of an alternative route?

Was the pipeline design dictated solely by Sidewinder? Does it actually reflect any needs of the community or only the needs of Sidewinder?

Are water towers planned on the industrial site? What is the visual impact to our historic village?

You have an obligation to serve the community. Water is not infinite and is a shared resource. This agreement risks putting our community at the mercy of a private business, interested solely in profits, without adequate safeguards in place for the rest of us. Without clear answers, this agreement threatens the long-term sustainability and quality of the water supply throughout the county. Our historic district and community infrastructure deserve better than this agreement. Because CTUB chose to prioritize the needs of a private investment group over the needs of the community, the citizens of Jefferson County, that you are tasked with serving, are threatened. With this do-over of the agreement, you had a chance to prioritize the needs of the community. Once again, you chose not to do so. We are now faced with this bad agreement or the possibility of a private water corporation stepping in. I encourage you to do what you have been tasked to do and negotiate a better agreement for the citizens you are supposed to be serving. If the pipeline is constructed, you will be culpable when the water that we all need to live is scarce and tainted.

Respectfully,
Stacy Chapman
Middleway resident

Ashley Stottlemyer

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From: Carl Tribble <carltribble@live.com>
Sent: Wednesday, February 5, 2025 9:52 AM
To: Ashley Stottlemyer
Subject: Sidewinder Enterprises Comment

My family lives in this area and my sister, a PhD, has done a lot of research on this proposal and there doesn't seem to be a single thing about it that make any sense whatever and that isn't actually dangerous, poisonous, deadly, and likely criminal for anyone who supports it. So I sincerely hope you don't.

Thank you
Carl Tribble
616-558-2605

1/22/25

(7)

Name:

Robert Palmatier

Email:

palmatier@gmail.com

Requests/Comments:

I am in Favor of giving Sidewinder or Mountain Pure a Contract for the Pipeline and water. We need more Business in the County!

Sent from [Charles Town Utility Board](#)

② 1/22/25

Name:

Cecil Foster

Email:

cfoster@gmail.com

Date:

01/22/2025

Requests/Comments:

NEW Business in Jefferson County is vital to our survival. I ask that you work out an agreement with Sidewinder that allows them to proceed with their plan. Thank you

Sent from Charles Town Utility Board