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**Initial Expert Report, Fugitive and Respirable Coal Dust,
Marsh Fork Elementary School, Raleigh County, WV**

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D. Scott Simonton, PE, PhD

On December 14, 2006 I conducted a site visit of the Marsh Fork Elementary School to familiarize myself with the location of the school, as well as the location of adjacent activities, most notably coal processing activities immediately adjacent to the school at the Goals Coal Processing Plant. During this visit and based upon my observations, I determined that there was a strong likelihood of fugitive coal dust emissions leaving the coal processing site and migrating to the school property, where the dust would be available for inhalation by environmental receptors, most notably the elementary school students and staff.

On January 16, 2006 I again visited the school site, for the purpose of determining if coal dust had migrated to the interior of the school. I collected seven dust samples within the school in the gymnasium, hallways, and two classrooms, 115 and 142. These samples were then microscopically examined and compared to known coal dust samples to determine, qualitatively, if coal dust was present in the samples collected. This microscopic analysis was performed by Dr. Dewey Sanderson, Professor of Geology at Marshall University. Dr. Sanderson determined that coal dust was present in all samples collected at the elementary school.

Based upon my review of the above and additional research I have conducted, I have concluded with a high degree of scientific and engineering certainty that there is a completed pathway between materials handled at the Goals Coal facility and environmental receptors, namely the occupants of Marsh Fork Elementary. In short, dust has been and is generated at the Goals Coal facility as a result of material handling activities and this dust migrates to the school property and into the school, where it is respired. This dust has known health hazards, especially in the inhalation exposure route. I believe that the inhalation of this dust must be avoided and prevented. I believe that the occupants of Marsh Fork Elementary School are at risk from exposure to the dust emitted from the Goals Coal facility.

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