

STATE WATER RESOURCES BOARD MEETING

MARCH 19, 1963

THE REGULAR QUARTERLY MEETING OF THE STATE WATER RESOURCES BOARD WAS HELD ON TUESDAY, MARCH 19, 1963 IN THE CONFERENCE ROOM OF THE STATE HEALTH DEPARTMENT. THE FOLLOWING MEMBERS WERE PRESENT:

DR. WARDEN M. LANE, CHAIRMAN
DR. N. H. DYER
MR. W. W. JENNINGS
MR. ARTHUR H. RITCHIE
MR. JOHN C. AILES
MR. BERNARD H. JACOBSON (AFTERNOON SESSION ONLY)

MEMBERS ABSENT:

MR. BERNARD H. JACOBSON (MORNING SESSION ONLY)
DR. PAUL H. PRICE

OTHERS PRESENT:

MR. BERN WRIGHT, CHIEF, DIVISION OF WATER RESOURCES
MR. LYHLE E. GILLENWATER, DIVISION OF WATER RESOURCES
MR. THOMAS B. YOST, ASSISTANT ATTORNEY GENERAL
MR. ROBERT NORCROSS, WEST VIRGINIA COAL ASSOCIATION
COL. ALLEN WOODBURN, LAW ENFORCEMENT DIVISION
MR. GLEN O. FORTNEY, STATE HEALTH DEPARTMENT

A QUORUM BEING PRESENT THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN AT 9:30 A.M. THE MINUTES OF THE LAST MEETING WERE APPROVED.

WATER RESOURCES LEGISLATION

MR. WRIGHT STATED THAT ABOUT A YEAR AGO THE BOARD DIRECTED HIM, IN COOPERATION WITH THE ATTORNEY GENERAL'S OFFICE, TO WORK UP LEGISLATION TO BE PRESENTED TO THE LEGISLATIVE INTERIM COMMITTEE ON STREAM POLLUTION CONTROL. IDEAS AND SUGGESTIONS WERE GIVEN TO THE COMMITTEE BY DR. DADISMAN OF WEST VIRGINIA UNIVERSITY. THE BILL WAS INTRODUCED AS SENATE BILL 31. AFTER REVIEWING THIS BILL IT WAS DECIDED THAT SEVERAL CHANGES WERE NEEDED AND THESE WERE INCORPORATED INTO A BILL INTRODUCED AS HOUSE BILL 259. SENATE BILL 31 WAS AMENDED AND PASSED BY THE SENATE AND REFERRED TO THE HOUSE. MR. WRIGHT STATED THAT FROM THAT POINT HE DID NOT KNOW WHAT HAPPENED.

DR. LANE REPORTED ON A CONFERENCE ON WATER POLLUTION CONTROL IN THE GOVERNOR'S OFFICE WHICH WAS ATTENDED BY A GROUP OF PROMINENT INDUSTRIAL FIGURES, WHO OPPOSED THE BILL. DR. LANE STATED THE GOVERNOR INFORMED THE INDUSTRIAL LEADERS THAT THE SUBJECT WAS A MATTER FOR THE LEGISLATURE TO CONSIDER. ALTHOUGH SENATE BILL 31 WAS PASSED BY THE SENATE, NO ACTION WAS TAKEN IN THE HOUSE. ANOTHER INTERIM COMMITTEE WAS AUTHORIZED TO STUDY THE PROBLEM.

MR. JENNINGS MOVED THAT THE EXECUTIVE SECRETARY OF THE BOARD, UPON LEARNING THE NAMES OF THOSE APPOINTED TO THE LEGISLATIVE COMMITTEE, WRITE TO THE CHAIRMAN OF THAT COMMITTEE EXPRESSING THE BOARD'S WHOLEHEARTED COOPERATION AND REQUESTING AN INVITATION TO APPEAR BEFORE THE COMMITTEE, AND FURTHER TO RELEASE A STORY TO THE PRESS RELATING SUCH ACTION. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

POCAHONTAS FUEL COMPANY

MR. YOST REPORTED THAT THE CIRCUIT COURT OF WYOMING COUNTY RULED THAT THE BOARD ACTED ARBITRARILY AND CAPRICIOUSLY AND FAILED TO PRODUCE SUFFICIENT EVIDENCE OF POLLUTION IN THE BOARD'S ACTION AGAINST THE POCAHONTAS FUEL COMPANY'S PLANT AT ITMANN. MR. YOST STATED HE WAS TAKING THE NECESSARY ACTION TO APPEAL THE DECISION TO THE STATE SUPREME COURT.

BARBOUR COUNTY COAL CORPORATION

THE BARBOUR COUNTY COAL CORPORATION CASE, ACCORDING TO MR. YOST, WAS PLACED ON THE DOCKET OF THE CIRCUIT COURT OF RANDOLPH COUNTY, WHERE IT HAS BEEN FOR THE PAST 18 MONTHS. MR. YOST STATED IT WAS HIS UNDERSTANDING THAT THE COMPANY IS NOW STRIPPING COAL FROM THE OTHER SIDE OF THE HILL, FROM THE POINT WHERE THEY WERE OPERATING WHEN THE BOARD ISSUED ITS ORDER.

UPON A MOTION BY DR. DYER, WHICH WAS SECONDED AND PASSED, MR. YOST WAS REQUESTED TO PETITION THE COURT TO MAKE A FINDING ON THE CASE AS SOON AS POSSIBLE.

ITMANN COAL COMPANY (REFUSE DUMP)

MR. WRIGHT POINTED OUT TO THE BOARD THAT THE ITMANN PLANT OF THE POCAHONTAS FUEL COMPANY WAS NOW BEING OPERATED AS THE ITMANN COAL COMPANY. MR. WRIGHT STATED THAT AN AVALANCHE OF REFUSE FROM A DUMP SLID INTO THE GUYANDOT RIVER DURING THE WEEK OF MARCH 11, 1963, DOING EXTENSIVE DAMAGE TO THE MAIN LINE OF THE NORFOLK AND WESTERN RAILROAD AND EXTENDING INTO THE RIVER FOR ABOUT 100 FEET. MR. WRIGHT SHOWED AERIAL PHOTOGRAPHS OF THE AREA. IN CLEANING THE RAILROAD TRACKS OF THIS DEBRIS, THE BULL DOZER OPERATORS PUSHED MORE OF THE MATERIAL INTO THE RIVER. CONSERVATION OFFICERS ISSUED 19 WARRANTS FOR STREAM LITTER.

MR. YOST STATED THAT HE UNDERSTOOD THE CIRCUIT COURT IN WYOMING COUNTY WAS GOING TO THROW OUT ALL THE WARRANTS DUE TO SOME DEFECT IN THEM.

MR. WRIGHT STATED THE PEOPLE INVOLVED IN CLEANING UP WERE GOING TO CUT A NEW CHANNEL FOR THE GUYANDOT RIVER AND HE STATED IF THIS WERE DONE PROPERLY THE POTENTIAL FOR FUTURE DAMAGE COULD BE MINIMIZED.

THERE FOLLOWED A LENGTHY DISCUSSION OF THE PROPER DISPOSAL OF REFUSE FROM COAL PREPARATION PLANTS, STRIP MINING AND COAL MINE DRAINAGE.

SURFACE WATER RUNOFF

MR. WRIGHT PRESENTED FOR APPROVAL A DRAFT OF A POLICY STATEMENT ON THE CONTROL OF SURFACE WATER RUNOFF AT INDUSTRIAL ESTABLISHMENTS. AFTER CONSIDERABLE DISCUSSION THE BOARD ADOPTED THE STATEMENT AS FOLLOWS:

RESOLUTION No. 1-63
ADOPTED MARCH 19, 1963

POLICY STATEMENT

CONTROL OF SURFACE WATER RUNOFF AT INDUSTRIAL ESTABLISHMENTS

WHEREAS: SURFACE WATER RUNOFF FROM INDUSTRIAL PLANTS AND STORAGE AREAS MAY CARRY POLLUTING MATERIALS OF INDUSTRIAL ORIGIN INTO THE RECEIVING STREAM IN SUCH QUANTITY AS TO DEGRADE THE QUALITY OR APPEARANCE OF THE STREAM, AND

WHEREAS: IN SUCH CASES THE RESPONSIBILITY FOR SUCH POLLUTION IS CLEARLY THAT OF THE INDUSTRIAL PLANT ON WHICH PROPERTY THE SURFACE WATER PICKED UP THE INDUSTRIAL POLLUTANTS;

NOW THEREFORE: IN FURTHERANCE OF THE EFFORTS OF THE STATE WATER RESOURCES BOARD IN THE ABATEMENT OF STREAM POLLUTION;

BE IT RESOLVED: THAT, EFFECTIVE FROM DATE OF PASSAGE OF THIS RESOLUTION, THAT ALL APPLICATIONS FOR PERMITS FROM ANY INDUSTRIAL ESTABLISHMENT INCLUDE A DRAINAGE PLAN FOR THE CONTROL OF SURFACE WATER RUNOFF FROM OR THROUGH BOTH OPERATING AND STORAGE AREAS; AND

BE IT FURTHER RESOLVED: THAT IN CASES NOW EXISTING WHERE SURFACE WATER RUNOFF IS KNOWN TO CARRY POLLUTANTS INTO THE RECEIVING STREAM, THAT THE INDUSTRIAL PLANT RESPONSIBLE FOR THE POLLUTANTS THUS TRANSPORTED BE REQUIRED TO TAKE ALL REASONABLE STEPS TO ELIMINATE THE POLLUTANT OR CONTROL THE SURFACE WATER SO AS TO PREVENT ITS CONTACT WITH POLLUTING MATERIALS INCLUDING SOLIDS USED OR PRODUCED IN MINING OR MANUFACTURING PROCESSES. FAILURE TO TAKE REASONABLE REMEDIAL MEASURES MAY RESULT IN ENFORCEMENT ACTION BY THE BOARD AS PRESCRIBED BY LAW.

OPERATION AND MAINTENANCE OF SETTLING PONDS

MR. WRIGHT NEXT PRESENTED FOR APPROVAL A DRAFT OF A POLICY STATEMENT PERTAINING TO THE OPERATION AND MAINTENANCE OF SETTLING PONDS FOR THE CONTROL OF INDUSTRIAL WASTES. IT WAS THE CONCENSUS OF THE BOARD THAT THE PROPOSED RESOLUTION WOULD NOT BE OF ANY HELP AND WAS MERELY A RESTATEMENT OF AUTHORITY ALREADY GIVEN TO THE EXECUTIVE SECRETARY. CONSEQUENTLY, THE PROPOSAL WAS REJECTED BY THE BOARD.

PERSONNEL SALARIES

CHAIRMAN LANE STATED HE WOULD LIKE TO HAVE THE THINKING OF THE BOARD IN REGARD TO THE BEST USE OF SOME MONEY IN GENERAL REVENUE AMOUNTING TO ABOUT EIGHT PER CENT OVER WHAT WAS AVAILABLE LAST YEAR. CHAIRMAN LANE ASKED IN VIEW OF RECENT ENGINEER RESIGNATIONS AND THE DIFFICULTY IN SECURING REPLACEMENTS AT PRESENT SALARIES, WOULD IT BE BETTER TO TRY TO HIRE MORE INSPECTORS OR WOULD IT BE BETTER TO GIVE PAY INCREASES TO THE PRESENT TECHNICAL STAFF? IT WAS AGREED THAT THE LATTER COURSE OF ACTION WOULD BE PREFERABLE, HOWEVER, SALARY INCREASES MUST BE WITHIN THE FRAMEWORK OF CIVIL SERVICE REGULATIONS AND IS FURTHER LIMITED BY THE AMOUNT OF MONEY AVAILABLE.

MOBAY CHEMICAL COMPANY (CHLORIDE PROBLEM)

MR. WRIGHT REVIEWED THE CHLORIDE CONTROL RESOLUTION OF THE OHIO RIVER VALLEY WATER SANITATION COMMISSION AND REFERRED TO THE BRIEF ON THE PROBLEM WITH THE MOBAY CHEMICAL COMPANY WHICH WAS PREPARED BY THE DIVISION STAFF AND MAILED TO THE BOARD MEMBERS.

IT WAS THE CONCENSUS OF THE BOARD THAT SINCE MORE CHLORIDES ARE ENTERING THE OHIO RIVER FROM THE STATE OF OHIO, WEST VIRGINIA INDUSTRIES SHOULD NOT BE REQUIRED TO CONTROL WASTES UNTIL INDUSTRIES IN OHIO REDUCE THEIR LOADS, ESPECIALLY SINCE THE BOARD FELT THAT NO SIGNIFICANT CHLORIDE PROBLEM YET EXISTS IN THE RIVER.

MR. WRIGHT STATED THAT THE CHLORIDE PROBLEM WAS STILL A LIVE ISSUE AT THE ORSANCO MEETINGS AND THAT HE BROUGHT THE PROBLEM BEFORE THE WATER RESOURCES BOARD TO GET THEIR THINKING ON THE PROBLEM, SO THAT WHEN HE WAS APPROACHED BY THE ORSANCO STAFF HE COULD SAY THIS WAS THE DECISION OF THE BOARD.

IN SUMMARIZING, CHAIRMAN LANE STATED THAT IT WAS THE DECISION OF THE BOARD TO ALLOW THE COMPANY TO EXPAND ITS CHLORIDE LOAD AND THAT IF ORSANCO MOVES AGAINST THE COMPANY, THE BOARD CAN PERHAPS TAKE A POSITION.

THE MEETING WAS ADJOURNED UNTIL ONE O'CLOCK AT WHICH TIME IT WAS RE-CONVENED OFF THE RECORD.

STATE WATER RESOURCES BOARD

EXECUTIVE SECRETARY