

STATE WATER RESOURCES BOARD MINUTES

February 17, 1964

The regular quarterly meeting of the State Water Resources Board was held on February 17, 1964 at 9:30 a.m., in Room 522, State Office Building No. 1, Charleston, West Virginia. The following were present.

N.H. Dyer, M.D.
Bernard H. Jacobson
Arthur H. Ritchie
John C. Ailes

Others Present:

Bern Wright, Executive Secretary
Lyhle E. Gillenwater, and Edgar N. Henry of the Division of Water Resources
Glen O. Fortney, State Health Department

Dr. Dyer was elected as Chairman pro tem. A quorum being present, the meeting was called to order by the Chairman pro tem and the minutes of the last meeting approved.

Federal Assistance on Waste Spills

Mr. Wright reviewed the work of the staff during the recent carbon tetrachloride. He pointed out that the Division does not have, at the present time, laboratory facilities to analyse for organic chemicals such as carbon tetrachloride spill and that it was necessary to send samples to the U. S. Public Health Service for analysis. He also pointed out that fish were collected and sent to the Public Health Service for post-mortem examination. It was also pointed out that additional federal assistance might have been available but that such assistance was not requested since the Division staff had no authorization from the Board to request all out federal assistance in cases where the seriousness of the situation was unknown. Mr. Wright pointed out the desirability for the Board to authorize the staff to make such requests from the Public Health Service or other agency for assistance in emergency situations or in cases where the hazard is not known.

Mr. Jacobson moved that the staff be authorized to seek all help needed from any source including the federal government in cases where the staff is unable to handle the problem unassisted. The motion was seconded by Mr. Ritchie and passed unanimously.

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Peterstown - Red Sulphur Public Service District

The Board reviewed the transcript of the hearing on the Peterstown - Red Sulphur Public Service District which was held in Peterstown on January 23, 1964. Mr. Ailes moved that the Board find that pollution does exist and that the Town and the Public Service District be ordered to cease and desist pollution. The motion was seconded by Mr. Jacobson and passed unanimously, whereupon the following order was made and entered in the record.

Before the STATE WATER RESOURCES BOARD OF WEST VIRGINIA, at the Capitol in the City of Charleston on the 17th day of February, 1964.

Case Number 15

In Re: Red Sulphur Public Service District and the Town of Peterstown, a Municipal Corporation

FINAL ORDER

This proceeding came on for further consideration on this 17th day of February, 1964, upon a citation of this Board dated January 3, 1964, wherein the Town of Peterstown, and the Red Sulphur Public Service District were directed to show cause why this Board should not issue an order regulating pollution of the waters of Rich Creek, Brush Creek and Trigger Run. Whereupon the Board considered the evidence adduced at a hearing held upon said citation on the 23rd day of January, 1964 in the Fire Station, in the Town of Peterstown, County of Monroe, State of West Virginia, at which hearing the said Town of Peterstown appeared by H. E. De Jarnette, its attorney and the said Red Sulphur Public Service District by W. H. File, Jr., its attorney, and offered testimony.

The Board, after having reviewed the testimony introduced at the hearing on January 23, 1964 does hereby find the Town of Peterstown, and the Red Sulphur Public Service District to be causing pollution of the waters of Rich Creek, Brush Creek and Trigger Run by the discharge of untreated sewage into said streams.

It is accordingly ordered that the Town of Peterstown and the Red Sulphur Public Service District forthwith cease such pollution.

Under the provisions of Chapter 20, Article 5, Section 9, Code of West Virginia, the Town of Peterstown and the Red Sulphur Public Service District have thirty (30) days after notice of the entry of this order to notify the Board as to what steps will be taken to comply with said order to eliminate or control such pollution.

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By: S/ Warden M. Lane
Warden M. Lane
Director

City of Clarksburg

After a review of past Board action with the City of Clarksburg, Mr. Ritchie moved to instruct the Executive Secretary to inform the City of Clarksburg that they were not in compliance with the Court order and unless remedial measures are taken the Board will ask the Court to take appropriate action. The motion was seconded by Mr. Ailes and passed unanimously. It was also decided that the Judge of the Circuit Court of Harrison County should also receive a copy of the notice to Clarksburg.

City of Welch

Mr. Wright reminded the Board that at the last meeting the Board had disapproved the City's request to discharge sewage to an abandoned mine. Mr. Wright pointed out that the City of Welch had accepted a Federal Grant-in-Aid under which they had until the middle of January to get the project under construction. Early in January, Mr. Wright said that he had received a letter from the Mayor stating that they were still considering using an abandoned mine for the discharge of sewage and that they were also considering purchasing the water plant. The City also asked for an extension of time to get the project under construction. Mr. Wright pointed out that the Board could not issue extension of time under APW Grants. Therefore a copy of the Mayor's letter was sent to the Public Health Service for their review. In about 15 days we received a copy of a telegram to the City of Welch stating that their grant had been withdrawn. Mr. Wright stated he then called Charlottesville and expressed dismay at the withdrawal of the grant since Welch is a key City in that area and is very hard pressed financially. It was learned that the withdrawal of the grant was made in Washington based upon the fact that the Town indicated their intentions to buy the water plant and since it would be impossible to do this and get under construction by the middle of January the Washington people withdrew the grant. A few days later a copy of a second letter from the Public Health Service stated that if the Town wishes to request a grant after they got their financing arranged that they would be given consideration. Mr. Wright stated that this pointed out that we needed to force the Cities to proceed on schedule as soon as they have accepted the offer. Mr. Wright stated, however, that the action with Welch took place so rapidly that we did not have time to take any action of our own. Mr. Wright said that due to the poor stream conditions now in order to

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determine pollution we would not be able to move against the City of Welch until summer.

Borderland Collieries Company

Mr. Wright pointed out that the Board had held a hearing with the Borderland Collieries Company sometime ago and placed them under order. No permit was ever issued to the company since the company was never able to satisfy us with treatment facilities. Mr. Wright stated that we have attempted to prosecute the company for operating without a permit. The company was fined once in JP Court and the verdict has been appealed to the Circuit Court. The case is still pending.

Mr. Henry then stated to the Board that a warrant had been served by Officer Hypes and the case taken to a JP Court where it was thrown out due to the company producing a letter which allegedly stated that this office was in agreement with the work being done. Mr. Henry stated that he visited the office of Mr. Zane Grey Staker to ask about the letter and Mr. Staker refused to show it to him. Mr. Henry later discovered which letter it was that had been used in the JP Court and proceeded to read the letter to the Board. Mr. Henry stated that on a second occasion, Officer Hypes made an arrest and the case was brought to the JP Court. Mr. Henry said he had attempted to get a member of the Attorney General's Office to go with him and Mr. Wood to the hearing. However, only Mr. Henry, Mr. Wood, Officer Hypes and Mr. Holly attended the hearing at the JP Court. Mr. Henry stated that the company was still found to be polluting at the time of our last inspection. Mr. Wright pointed out that the letter the company used was one which was written before the hearing held with the Water Resources Board.

At the end of the discussion Mr. Ailes moved that the case with the Borderland Collieries Company be turned over to the Attorney General for further action. Mr. Ritchie seconded the motion which was then passed unanimously.

U. S. Public Health Service Conference on the Monongahela River

Mr. Wright stated that since the report was sent to the Board he had received a letter from Murray Stein, Chief of the Law Enforcement Branch of the Public Health Service, advising us that a meeting of this committee had been called for this week. Mr. Wright stated that he had passed this information on to the Director who then appointed Mr. Wright to serve on the committee which will meet in Pittsburgh. Mr. Wright stated that Mr. Wood of the Division staff was named as alternate on the committee.

Water Pollution Control Law

Dr. Dyer called attention to that portion of the new law which states

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that the Governor could approve or disapprove any requests for investigations made by the Secretary of Health, Education & Welfare. Dr. Dyer stated that this was just a matter of information.

Treatment Objectives in the Potomac River Basin

Mr. Wright stated that we were not in a position to proceed on this topic since no arrangements were made to notify Mr. Johnson. The reason for this was the difficulty in bringing the Board Members together for this meeting.

Adjournment

Mr. Jacobson moved for adjournment. Mr. Ritchie seconded the motion and the meeting was adjourned by the Chairman pro tem.

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S/ Bern Wright

Executive Secretary

BW: LEG/mms