

*Mailed to Board Members
12-13-64*

**MINUTES OF MEETING
STATE WATER RESOURCES BOARD**

December 2, 1965

A hearing was held before the State Water Resources Board on Thursday, December 2, 1965 at 10:00 a.m. at 1709 Washington Street, East in Charleston, West Virginia in the case of the Badger Coal Company, Apellee vs. the Chief, Division of Water Resources, Department of Natural Resources, Appelle, Case No. 38. Testimony given at the hearing is in the reporter's transcript and will not appear in these minutes.

The following Board members were present:

John C. Ailes, Chairman
Charles T. Holland
Glen McKinney
Mathew Turkovich

Notice was taken of the resignation of W. W. Jennings as a member of the Board.

Upon hearing the testimony the Board ordered the proceeding continued pending filing of application of the permit required by the Chief's order and pending final action of the Division of Water Resources on that application. The exact wording of the order is in the reporter's transcript.

The Board reconvened at 2:00 p.m. to meet with representatives of the West Virginia Coal Association and the coal industry in regard to an appeal made by the West Virginia Coal Association for repeal or amendment of Section 5.03 of the Rules and Regulations adopted by the Board and suspension of the effective date of such section pending such repeal or amendment.

Those in attendance at the meeting were Mr. C. Howard Hardesty, Jr., Mr. C. Paul Chambers, Dr. G. L. Barthour, Mr. Arnold M. Vickers and Mr. Robert Norcross representing the West Virginia Coal Association and the coal industry and Mr. Bern Wright, Mr. L. E. Gillenwater, Mr. Edgar N. Henry, Mr. John Hall, Mr. Houston Wood representing the Division of Water Resources. Mr. Thomas B. Yost, Assistant Attorney General was also in attendance.

At the conclusion of the meeting on motion of Mr. Turkovich, seconded by Mr. Holland and unanimously adopted, the following order was entered.

STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD
CHARLESTON

ORDER

This day came on to be heard the petition of the West Virginia Coal Association for the repeal or amendment of Section 5.03 of the rules and regulations adopted by the State Water Resources Board and, after argument of counsel on the matters in the petition, it is ordered that the petition be denied.

Entered this 2nd day of December, 1965.

By: S/ John C. Alles
John C. Alles
Chairman

I, John C. Alles, Chairman of the State Water Resources Board, do hereby certify that the foregoing is a true and correct copy of an order passed and entered of record by the State Water Resources Board of West Virginia on the 2nd day of December, 1965.


John C. Alles
John C. Alles
Chairman

STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD
CHARLESTON

O R D E R

This day came on to be heard the petition of the West Virginia Coal Association for the repeal or amendment of Section 5.03 of the rules and regulations adopted by the State Water Resources Board and, after argument of counsel on the matters in the petition, it is ordered that the petition be denied.

Entered this 2nd day of December, 1965.

By: S/ John C. Ailes
John C. Ailes
Chairman

A motion was made by Mr. Turkovich and seconded by Mr. McKinney that inasmuch as it appears from the record of the hearing of January 26, 1965, that the copies of the Regulation adopted as filed in the office of the Secretary of State contained an error in the language of Section 5.03 (b), I move that Section 5.03 (b) be amended by deleting the entire paragraph and substituting "In special cases where the facts warrant, more stringent standards, or exceptions to the above standards, may be established in the individual case".

The motion was unanimously adopted.

The remainder of the meeting consisted of a discussion of the various programs of the Water Resources Division by members of the Division staff. Progress and need for more funds and personnel were described.

Chairman Ailes suggested that a 15 minute talk be prepared for the Board members so that they could present the talk before various organizations.

It was further suggested that perhaps the Department's Public Relations Section could publicize the fact that the Board members would be available for talks in their localities. It was also recommended that perhaps the Public Relations Section could aid in the preparation of such a talk.

The meeting was adjourned at 5:15 p.m.