

MEMORANDUM TO: FILE - State Water Resources Board Meeting

DATE: October 7, 8, 1975

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The reorganizational meeting of the State Water Resources Board was held beginning at 1:00 p. m., Tuesday, October 7, 1975, at the Department of Natural Resources Conference Room, Fairmont, West Virginia, with the following present:

Mr. John C. Ailes, Board Member - Romney, WV

Mr. Herman E. Kirchner, Board Member - Bluefield, WV

Mr. Charles T. Holland, Board Member - Morgantown, WV

Dr. N. Bayard Green, Board Member - Huntington, WV

Mr. John H. Hall, Chief - Division of Water Resources, Department of Natural Resources, Charleston, WV

Mrs. Frances E. Hunter, Secretary - State Water Resources Board, Charleston, WV

After the introduction by Mr. Ailes of the newest member of the State Water Resources Board, Dr. Green - the first order of business was the election of a chairman. Mr. Kirchner made a motion that Mr. Ailes, past Chairman be reelected - this was seconded by Mr. Holland - motion carried.

The meeting was then turned over to Mr. Hall who presented an agenda - see attached. Each item on the agenda was discussed, suggestions made, etc.

Dates were set for the NewEra Resources, Inc. hearing, duPont hearing, and New River's hearing - discussion on each.

Mr. Hall also brought to the Board's attention that the Virginia Electric Power Company's Mt. Storm power plant had requested an exception from thermal water quality standards, due to the topography monitoring for standards, compliance is impossible at the end of the mixing zone. This was to be continued until the next meeting of the Board in Charleston,

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Fairmont, WV  
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and Mr. Hall was to prepare a letter to the Board requesting an exception to the standards. Any changes in (to) water quality criteria would be action for the board.

Old and new appeal cases were brought to the Board's attention and what their status at this time was -- meeting was then adjourned. Next meeting would be the scheduled NewEra Resources set for October 23, 1976, to be held at the conference room at 1205 Greenbrier Street, Charleston, WV.

Note - let it be on the record that on this 7th day of October, 1975, that Mrs. Frances E. Hunter was officially reappointed as secretary of the West Virginia State Water Resources Board.

Respectfully submitted,

Frances E. Hunter

A G E N D A

Organizational Meeting of the Water Resources

Board

Department of Natural Resources Building  
Fairmont, W. Va.  
October 7, 1975

1. Election of Chairman
  - (a) Presentation of the Chief.
2. Showing of the film - The Valley
3. Discuss our reorganization
  - (a) write-up.
  - (b) reorganization chart.
4. Discuss the Construction Grants Program
  - (a) budget request.
  - (b) Water Development Authority Act and Regulations.
  - (c) list of Grants.
5. Discuss the Board's Relationship with the Chief
  - (a) Red Book, Yellow Book, Senate Bill 26, and PL-92-500.
6. Discuss our Salary Problems
  - (a) salary comparison chart.
7. Discuss the Board's Budget
  - (a) board's budget.
  - (b) travel regulations
  - (c) sample expense account.
8. Copy of Division's Annual Report
9. Water & Related Land Resources Books  
(Water Resources Council Grant)
10. Other matters at the request of the Chairman
  - (A) Existing appeal cases.

MEMORANDUM TO: MEMBERS - STATE WATER RESOURCES BOARD

FROM: Frances E. Hunter, Secretary

RE: Cases - Pending - Old and New

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Following is a brief summary of first, old cases pending before the State Water Resources Board:

1. Linan - appealed to the Board - now still in the Kanawha County Circuit Court.

2. Valley Mining Co.\*- now in the Kanawha County Circuit Court.

3. Mountaineer Coal Co. - hearing was held November 15, 1972 transcript was received September 24th, 1974 - no decision - have a note from Mr. John H. Hall - with a memo from Mr. Paul Ware, Mine Drainage Section - that Consol has requested a permit from the State. (See attachment 1).

4. Gamble Coals, Inc. - hearing was continued on motion of the Board until further notice. Gamble Coals, Inc. appealed the Chief's Order dated December 26, 1973 - "to stop all pollution" at its No. 1 mine on or near Fish Hatchery Run of Shavers Fork, Randolph County, West Virginia, and to forthwith apply for a Water Pollution Control Permit from the Division of Water Resources, Department of Natural Resources of the State of West Virginia -- prays the order be vacated and set aside by the Board and that the execution thereof be stayed pending final disposition of this appeal because its execution will result in an unjust hardship to the Appellant."

\* Valley Mining Co. - appealed to the Board on denial of a Water Pollution Control Permit - Board ruled permit be issued with certain modifications and amended to satisfy certain conditions, Chief appealed - this now is in the Circuit Court of Kanawha County (since April 10, 1974).

5. Wheeling-Pittsburgh Steel Corporation - two (2) separate appeals. Appeal No. 56 states that the appellant is aggrieved by the terms of the Water Pollution Control Permit -- "prays that the matter be reviewed and that terms, conditions, limitations and restrictions be modified." This is at their Steubenville East Coke Plant. Hearing was set for July 15, 1974, and was continued on motion of the Board on July 2, 1974 until further notice.

Appeal No. 57 of Wheeling-Pittsburgh Steel Corporation pertained to their Steubenville Strip Plant. This appeal aggrieved the Appellant by the order of the Division of Water Resources, State Department of Natural Resources by Chief E. N. Henry (dated June 12, 1974) in refusing to accept its proposed compliance schedule under Water Pollution Control Permit No. 4696 and requiring it to accept a new compliance schedule and to make monthly progress reports. They request the Chief modify these so as to accept appellant's proposed compliance schedule as set forth under "Questions of Fact" and that they not be required to submit monthly progress reports. The above appeal was returned as not being proper - they appealed again on August 2, 1974 (received by Board) -- hearing was set for August 12, 1974, and was continued on motion of the Board until further notice. Letter was sent to Wheeling-Pittsburgh Steel by the Chief (E. N. Henry) on September 4, 1974 - stating that the company is now in compliance with the requirements of the Water Pollution Control Permit No. 4696 and they are acceptable. Lawyers were to withdraw the Appeal No. 57 but to this date no letter has been received. Reminder letter was sent to their attorney requesting a formal withdrawal, so that the Board may enter an order closing the case.

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New appeals before the Board are as follows:

1. Consolidation Coal Company - Appeal Nos. 60, 76, 82, 83,

84, 85, 94 and 95.

Appeals No. 60 states that the appellant is aggrieved by certification by Appellee pursuant to Chapter 401, Fed. Water Pollution Control Act Amendments of 1972 limiting the terms of NPDES Application # WV0021032 to a two (2) year duration instead of five (5) years as a condition to certification thereof - they request certification by Appellee be modified to extend the expiration date of said permit to five (5) years from date of issuance.

Appeal No. 76 is same as above except the NPDES Permit Application # is WV 0021261.

Appeal No. 95 is as No. 60 except the NPDES Permit Application is # WV0022888.

Appeal No. 82 requests the NPDES Application # WV0002194 be modified to set pH limits on the effluent between 6.0 and 8.5 - certification by Appellee set pH conditions between 7.0 and 8.5 as a condition to certification.

Appeal No. 83 also pertains to pH limits on NPDES Application # WV002168, as does Appeal No. 84 (NPDES Application # WV 002216) and Appeal No. 85 (NPDES Application # WV002224).

Appeal No. 94 states Appellant is aggrieved by certification of Appellee pursuant to Chapter 401, Fed. Water Pollution Control Act Amendments of 1972 limiting the terms of NPDES Application # WV0022969 to pH conditions between 7.0 and 8.5 and iron limits to 1.00 mg/l average as conditions to certification - they request they be modified to set pH limits on the effluent between 6.0 and 8.5 and to raise the iron limit to 4.0 mg/l average.

2. The New River Company - Appeal No. 86 - permit denial. Order stated that effluent from the Price Hill shaft is causing a violation of Section 3.01(b) of the Administrative Regulations of the State of West Virginia for Water Quality Criteria on Inter- and Intrastate Streams. Said violation occurring in Dunloup Creek of the New River. New River Company appealed -

on April 17th, 1975 - "aggrieved by the order of the Acting Chief of the Division of Water Resources and prays that this matter be reviewed and that a Water Pollution Control Permit be granted it."

3. E. I. du Pont de Nemours and Company - Appeal No. 88 - appealed on 18 April 1975 "aggrieved by Water Pollution Control Permit No. 5302 dated March 18, 1975 - prays matter be reviewed and that the terms and conditions of the above permit be modified as shown in Attachment A hereto entitled "Requested Revisions to Water Pollution Control Permit No. 5302." See attachment 2 - copy of Water Resources Division Permit No. 5302 and copy of duPont's appeal.

4. Consolidated Gas Supply Corporation - Appeal No. 89. Appellant is aggrieved by the terms and conditions of Water Pollution Control Permit No. 5269 dated April 17, 1975 -- and the Appellant "prays that this matter be reviewed and that the condition requiring the construction of facilities for temperature control be lifted upon showing that the prevention of pollution can be accomplished without building such facilities."

5. Sharon Steel Corporation, Fairmont Coke Works Appeal No. 93 - appellant aggrieved by the State Certification letter issued in connection with the certification entered October 31, 1974 pursuant to NPDES Permit No. WV 0004634 - "prays this matter be reviewed and that the Board modify the provisions of the State Certification letter of October 31, 1975"- see attachment 3.

6. Monongahela Power Company - Fort Martin Power Station, Appeal No. 96 - appellant is aggrieved by the certification of the Appellee of discharges covered by NPDES Permit No. WV0004731 dated September 9, 1974 - (Monongahela Power Company was not officially notified of this certification until August 6, 1975) - "prays the matter be reviewed and that subject to the statements set forth under the caption herein of Nature and Grounds of Appellant's Claim, the Department of Natural Resources' certification be appropriately modified in accordance with applicable law and regulations." See attachment 4.

7. NewEra Resources, Inc - Appeal No. 97 - "aggrieved by an order dated September 2, 1975, ordering it to 'cease the construction' of a preparation plant at Cheat Bridge, Randolph County, West Virginia, and to forthwith apply for a permit therefor from the Division of Water Resources of the Department of Natural Resources of the State of West Virginia"- see attachment 5.

Respectfully submitted,

  
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Frances E. Hunter, Secretary

attachments (5)

cc: Mr. John C. Ailes

Dr. N. Bayard Green

Mr. Charles T. Holland

Mr. Herman E. Kirchner