

TO: FILE - WATER RESOURCES BOARD MEETING

DATE: June 7, 1976

ELKINS, WEST VIRGINIA

The State Water Resources Board met at the Elkins Motor Lodge, Elkins, West Virginia, this date before travelling to the New Era Resources, Inc.'s coal preparation plant at Cheat Bridge, Randolph County. Present for the board were:

John C. Ailes, Chairman
Charles T. Holland, Member
Forrest H. Kirkpatrick, Member
Dr. N. Bayard Green, Member
Herman E. Kirchner, Member

After arriving at the plant site, we were joined by Mr. John Busch, Mr. Jeffrey Klinger, Mr. Hurst, Mr. Robert Pollitt (from the Attorney General's Office) and other NewEra Resources, Inc. personnel.

We first went up to the refuse disposal area, then returned to the plant for a guided tour - from where the coal enters the plant to where the washed coal was loaded into railroad cars. Each step of the plant's operation was explained and many questions that were asked were answered.

The Board then travelled to the Hermitage for a brief meeting. One item on the agenda was PPG, Inc.'s request for a "stay of execution" until their appeal could be heard by the Board. Mr. Kirkpatrick wanted to know why the hearing date was set and then continued - this was explained to him by the Chairman. A motion was made by Mr. Kirkpatrick and seconded by Dean Holland to grant them this motion - motion carried. A tentative date for their hearing was set for June 28-29, 1976, at Charleston.

John Ailes would check this out with John H. Hall, Chief - Division of

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Water Resources. on an Order to be prepared granting this request.

Also, presented to the Board was a letter from the Appalachian Power Company's John Amos⁰⁵ Plant - pertaining to the Board's request of May 19, 1976 (to them) for appropriate numbers to be applied as water quality standards for a stretch of Little Scary Creek between the John Amos plant's fly ash dam to its discharge into the Kanawha River.

Arsenic set at .2 mg/l

Selenium set at .1 mg/l

Mr. Hall is to concur on these before a variance would be granted by the Board. The motion to grant this request was made by Mr. Kirkpatrick and seconded by Mr. Kirchner - carried.

Mr. Ales also had a letter from the Mayor of Martinsburg requesting a variance to the part of Tuscarora Creek, a trout waters stream, for a lesser BOD₅ discharge than that set by the Division of Water Resources 201 planning. Discussion held on this and it was resolved that Mr. Ailes would talk to Mr. Hall on this. Other communities' sewage treatment facilities were discussed at this time.

The final topic on the agenda was discussion on the NewEra Resources, Inc.'s coal preparation plant. Mr. Ailes explained to Mr. Kirkpatrick how the board has to answer each and every "finding of fact, etc." as presented to the board by council for the appellant and appellee, i. e., that they accept it as is or accepted as amended or rejected - not supported by evidence.

The meeting was then adjourned until the tentative date of June 28, 1976.

Respectfully submitted,

Frances E. Hunter, Secretary