

BOARD HEARING & MEETING - June 12, 1978 - 0900 hours Monday Morning

Board members present were: John C. Ailes, Dr. Edward H. Crum, Dr. N. Bayard Green and Forrest H. Kirkpatrick (absent Charles T. Holland).

The first order of business was the scheduled hearing, Appeal No. 104, the New River Company. On motion of both parties, the above hearing was continued until August 2, 1978 - 2:00 p. m. here at the conference room, 1205 Greenbrier Street. At that time, if not heard, a progress report will be presented to the board. (See transcript in New River Company file).

Also briefly discussed were the other appeals pending before the board - reports on progress will also be submitted - if a permit has been issued, the appeal will be dismissed or removed from the board's agenda.

Mr. John Hall, Chief of the Division of Water Resources invited each board member to be present on June 27th approximately 11:00 a. m. to meet with EPA representatives, the Director, and other Division of Water Resources' personnel - topic - NPDES takeover - regulations to be promulgated, etc.

An opinion from the Attorney General's office is to be requested by the Division re: Section 23 - Oil & Gas Regulations - (does it conflict with the Dept. of Mines - Oil & Gas Division's).; and are ours in effect?

Hopefully by June 27th, we will have rules of procedure to be adopted and if so, they will be duly filed in the Secretary of State's office on variance requests.

The meeting was then adjourned. Next meeting of the board to be held at 2:00 p. m. June 27th, 1978 (the Ailes Committee meets 0900 a. m. this date also)



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STATE WATER RESOURCES BOARD

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Board Secretary

June 6, 1978

MEMORANDUM TO: Each Board Member

RE: Appeals - Variances

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Following is a brief summary of appeals that have been before the Board and are not yet disposed of for your information:

Wheeling-Pittsburgh Steel Corporation, Appeal Nos. 56 and 57 - On October 6, 1976 both appeals were continued by the Board. See letter dated June 16, 1977 from Willard A. Sullivan, Jr., Attorney - we have no record of any accommodations being made between the company and the Division.

Consolidated Gas Supply Corporation, Appeal No. 89 - On October 6, 1976 this came before the Board. On record "Board wants this matter resolved at the earliest possible date" (45 - 60 days time specified or as promptly as possible). Board has heard nothing on this as of above date.

Borgman Coal Company, Appeal No. 103 - Continued on motion of the Board on August 23, 1976. See letter dated October 6, 1976 to Gwin, Dobson & Foreman, Inc. from P. A. Ware, P. E. - Mine Drainage Section.

The New River Company, Appeal No. 104 - Board upheld Chief's Order. Re-appealed - will be before the Board again on June 12, 1978.

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Hawley Coal Company, Appeal No. 105 - October 27, 1977 company and the Division of Water Resources entered into a "Consent Order" - appeal to be withdrawn?

Borge Warner , Appeal No. 106 - February 9, 1977 - continued on motion of both parties. See attached letter dated January 6, 1978 to Mr. Ailes from Mr. John H. Hall, extending date to July 1, 1978.

Chemical Formulators, Appeal No. 107 - On May 9, 1977 appeal was denied. Order to be entered - upheld as reasonable. Need findings of fact and conclusions of law.

Monongahela Power Company, Appeal No. 108 - Ft. Martin Power Station - May 10, 1977 - petitioner and appellee moved for a request for a continuance of motion for stay of enforcement - until next meeting of the Board.

Town of Fayetteville, Appeal No. 109 - May 10, 1977 - "Order to be entered affirming the action of the Chief or denying it" - need findings of fact and conclusions of law before closing this appeal.

Olga Coal Company, Appeal No. 110 - Continued on motion of the Appellant (April 22, 1977). See letter attached - time extension granted to November 13, 1977 - no further correspondence in Board file on this case.

H. E. Snuffer, Appeal No. 111 - Hearing held on August 15, 1977 - general continuance agreed to by State. (Permit No. S-6136-78 issued April 19, 1978 by the Division of Water Resources. Dismissed by Board April 20, 1978).

Shadyside Park (Dennis Vaughn) Appeal No. 112 - "It would be the motion of the appellant that we withdraw our appeal with prejudice and that a consent

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order be entered by the appellant and the state granting certain or setting forth certain conditions in regard to the appellant's compliance with the permit previously issued by the Chief." Case adjourned. See letter dated May 18, 1978 to Mr. Welcher from Chief of the Division of Water Resources.

VARIANCES

Monongahela Power Company, Harrison Power Station - May 10, 1977 -  
Temperature - mixing zone - Mr. Dave Robinson of the Wildlife Division is to examine more fully the two absolute temperatures. Was continued "until next meeting of the Board".  
to be effective in approximately 30 days

Monongahela Power Company, Rivesville Power Station - October 6, 1976 -  
Thermal discharge problem - met again on May 10, 1977 - continued - see attached memo from Dave Robinson dated July 5, 1977 - another request for this variance was made October 4, 1977 - has not yet been heard by the Board.

Respectfully submitted,

*Frances E Hunter*

Frances E. Hunter

attachments