

MINUTES - MEETING OF BOARD AND OTHERS JULY 14, 1980

Board members present were: Mr. John C. Ailes, Chairman, Dr. Donald Brannon and Mr. William T. Plass. Met with the Coal Mining Subcommittee of the Interim Committee of the Legislature from 11 a. m. - 1:20 p. m.

*Absent: Forrest Kerpatrik
& Larry George*

Board members then met at the conference room at 1205 Greenbrier Street where Mr. Plass and Dr. Brannon signed the OATH OF OFFICE.

In accordance with the direction of the Senate Committee Dave Robinson, Chief WRD and Leona Francisco-Personnel Assistant met with the Board in assisting with a budget for legal and technical assistance re: the NPDES regulations, which Mr. Ailes will take to the Committee on July 15th.

Tentative meeting set for August 4th or 6th to determine Kingwood Water Co. (Patriot Mining) Appeal and possibly by this date, a Consent Decree would be before the Board for their approval as the State and Company essentially have matters resolved in the Appalachian Timber Appeal No. 126.

Respectfully submitted

Your secretary

STATUS OF CASES

Since March 25, 1980 to the present action on the following appeals is:

Appalachian Timber - heard - waiting on transcript (Appeal No. 126)

Ashland Petroleum Company - Appeal No. 124 - Karen Watson reported that this case along with Appeal No. 119, the EXXON CO. were being worked out hopefully without going to a hearing. Mrs. Watson advised that the EXXON Co. had been approached by them on a proposal and that they (the AG) should receive a response to their proposal soon.

Bethlehem Mines - Dismissed

Borgman Coal Co. - heard - then dismissed

Borg Warner - Appeal No. 106 - Pending in Federal Court - Bob Pollitt, Assistant Attorney General, responded the status is the same as the March 25th meeting report - is contingent upon a Federal judicial judicare administrative appeal ruling. (The State will accept the Federal limit for this particular parameter.)

New River Co. - Appeal No. 104 - Under appeal in the Circuit Court of Kanawha County - Stay extended by Board until November 30, 1980.

Kingwood Water Co. (Patriot Mining) - Appeal No. 121 - Transcript in, Counsel for Appellant and Appellee/Intervenor to submit Proposed Findings of Fact and Conclusions of Law for Board - tentative date for this is August 4th or 6th - will let members know when data is received.

Olga Coal Company - Dismissed

E. I. DuPont - Appeal No. 128 - Parkersburg Works - Karen Watson and attorney for duPont (Bernie Riley) are trying to resolve this without going to a hearing - should know in August if hearing will be necessary.

page 2 - Status of Cases

Riverton Coal Co. - Appeal No. 120 - Mr. Nicholas Johnson, Deputy Attorney General related that there is a case presently in Kanawha County Circuit Court similar to this - an abandonment question. Will assign an attorney if Board wants to hear case, but stated it would probably end up in Circuit Court and perhaps that the Court would be ruling on the New River Company case soon.

Upper West Fork River Watershed Association, Inc. & Kyle & Icie Bush, Opinion Re: Certification 2 - 2 tie vote by Board members.

Monongahela Power Co. Appeal No. 118 and 108 - Tried to reach Bob Pollitt of the Attorney General's Office on this, but he did not return my calls - I contacted Monongahela's Attorney, Kim Polan on July 11, 1980 and she stated that they would send a letter to withdraw one appeal (had been resolved she thought) and perhaps the second was already resolved, but would respond by letter in a few days.

Town of Fayetteville - Board upheld Chief - now in Kanawha County Circuit Court - Court ordered a Stay of the Board's Order for 90 days.