

MINUTES OF THE STATE WATER RESOURCES BOARD

The Water Resources Board met on July 6, 1982, in the Board conference room starting at 9:00 a. m. with the following members present:

John C. Ailes

Dr. Donald Brannon

William T. Plass

Absent:

Larry W. George

Forrest H. Kirkpatrick

Guests:

Dave Flannery, Attorney - Love, Wise, Robinson & Woodroe

Robert Foster, Union Carbide

Also present was Ruthann H. McQuade, Assistant Attorney General - and counsel for the Board.

Purpose of the meeting was to discuss and consider procedural regulations for petitions for rule making - copies of the proposal was given to board members this date. After much discussion by all, it was agreed that one regulation be drafted to include all requests before the board such as variances, rule making, etc. and Ruthann was to get with Karen G. Watson, Assistant Attorney General and at a later date get a draft copy of same to board for their consideration.

The Board also agreed to change a clerical error on page 26 of the water quality regulations under "ORGANICS" fish body burden which read ug/l and should read ug/g - the change will be filed with the secretary of state's office as soon as possible.

No definite date set for next meeting.

Copy of notice of hearing filed with secretary of state attached as part of record.

rec'd 7-6-82
from R. McQuade.

WEST VIRGINIA STATE WATER RESOURCES BOARD
REGULATIONS IMPLEMENTING CODE 29A-3-___

Rules of Procedure
Series X
(1982)

WHEREAS, pursuant to the provisions of Section ____, Article 3, Chapter 29A of the West Virginia Code, 1931, as amended, the State Water Resources Board is an agency required to promulgate regulations by which rules of procedure are established for proceedings before the Board, and,

WHEREAS, Article 5E, Section 18(c) of Chapter 20 of the West Virginia Code, 1931, as amended, provides that any person may petition the Water Resources Board for rule-making:

NOW, THEREFORE, BE IT PROMULGATED BY THE BOARD:

1.01 Scope

The procedures and rules of procedure herein shall govern and apply to Petitions for Rule-Making before the West Virginia State Water Resources Board.

1.02 Authority.

These rules are promulgated pursuant to the authority of Article ____, Chapter 29A of the West Virginia Code, 1931, as amended, and Article 5E of Chapter 20 of said Code, as amended.

1.03 Effective Date

These rules were promulgated on the _____ day of _____, 19____, and become effective on the _____ day of _____, 19____.

1.04 Filing Date

These rules were filed in the Office of the Secretary of State on _____, 19____.

1.05 Forms

- a. Notice of Petition for Rule-Making
- ~~b. Notice of Board Meeting to Consider Petition~~
- ~~c. Notice of Public Hearing~~

1.06 Filing and Service of Documents

a. Where to file: All documents required to be filed in a Petition for Rule-Making under these rules shall be filed with the Secretary of the West Virginia State Water Resources Board, 1205 Greenbrier Street, Charleston, West Virginia 25311.

b. How to file: All filing may be accomplished by personal delivery or first class mail. Nine (9) copies are required to be filed and will be distributed by the Board Secretary to Board Members, David C. Callaghan, Director - Department of Natural Resources, David W. Robinson, Chief - Division of Water Resources, Department of Natural Resources, and the Attorney General's Office.

c. When filing effective: Filing is effective upon delivery or upon mailing as determined by postmark.

d. Proof of service: Unless otherwise provided in these rules, all documents required to be served shall be accompanied by proof of service in the form of a certificate of service. The

certificate of service shall include a statement of how service was accomplished.

e. Amendments: Upon motion by the petitioner and for good cause shown, the Board may, within its discretion, grant leave to amend the Petition for Rule-Making.

1.07 Presentation of Petition

a. Petitioner may in his Petition for Rule-Making either request to be present at the Board's meeting to present evidence and other supporting data in support of his petition or may waive this opportunity and simply submit with his petition affidavits or other proof in support of his petition.

b. The meetings for presentation of the Petitions for Rule-Making before the Board shall be open to the public.

1.08 Action Taken on Petition

Within _____ days of the Board's meeting on the petition it shall make a tentative decision to either grant or deny a petition. If the discussion is to grant such petition the Board shall file such proposed amendment or revision with the Secretary of State and provide an opportunity for public comment and a public hearing, if requested. If the Board decides to deny such petition, the Board shall set forth in writing the reasons for doing so.

1.09 Multiple Petitions

Adopted this _____ day of _____, 1982, by the West
Virginia State Water Resources Board.

Attest:

John C. Ailes
Chairman



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

1205 Greenbrier Street
Charleston, West Virginia 25311

JOHN C. AILES
P.O. Box 520
Romney, West Virginia

Larry W. George
9 Crestridge Drive
Huntington, West Virginia

FORREST H. KIRTPATRICK
P.O. Box 268
Wheeling, West Virginia

June 17, 1982

DR. DONALD G. BRANNON
P.O. Box 38
Charlton Heights, WV

WILLIAM PLASS
21 Grandview Drive
Princeton, WV

FRANCES E. HUNTER
Board Secretary

WATER RESOURCES BOARD TO MEET

The State Water Resources Board has scheduled a meeting for July 6, 1982 to be held in the conference room located at 1205 Greenbrier Street, Charleston, WV, at:

9:00 a. m. - for discussion and the consideration of procedural regulations for Petitions for Rule Making;

1:00 p. m. - for the purpose of considering the Petitions for Rule Making submitted on behalf of the West Virginia Manufacturers Association. The Petitioner and the Chief will appear to present their views on the Petition. Copies of these petitions may be obtained from the Board Office by calling (304) 348-4002.

The Board's consideration of the Petition for Rule Making is being held pursuant to Chapter 20, Article 5E, Section 18C (Hazardous Waste Management Act) of the Code of West Virginia, 1931, as amended.

The meeting is open to the public pursuant to Chapter 6, Article 9A of the Code of West Virginia, 1931, as amended. Seating capacity of the conference room is 50.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 6/17/82