

MINUTES OF THE STATE WATER RESOURCES BOARD

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

John C. Ailes, Chairman
Forrest H. Kirkpatrick
William T. Plass

The Board first convened to reconsider the Appeal of R. Webb vs. Chief-Division of Water Resources. Forrest H. Kirkpatrick, Member presented a letter addressed to the Secretary of the State Water Resources Board which was made a part of the official file in said Appeal No. 143 in which he concurred with Board members Ailes and Plass and said letter is hereby made a part of these minutes. By proper motion and vote by a quorum of the Board the Board entered an Order on this date, signed by Ailes, Plass and Kirkpatrick (copy attached).

Dr. David E. Samuel then took the Oath of Office as a member of the State Water Resources Board and the Board then proceeded to hear Appeal No. 157 - Three Runs Woods Home Owners, et al, Appellant vs Chief, Division of Water Resources, Appellee and Camelot Homeowners Association, Intervenors.

Hearing held on December 6, 7 and 8 - see transcript in file.

Respectfully submitted by,

your secretary

BEFORE THE STATE WATER RESOURCES BOARD

AT CHARLESTON

RICK WEBB,

Appellant,

v.

CHIEF, DIVISION OF WATER RESOURCES
STATE DEPARTMENT OF NATURAL RESOURCES,

APPEAL NO. 143

Appellee,

and

BROOKS RUN COAL COMPANY,

Intervenor/Appellee.

O R D E R

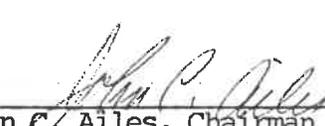
In accordance with the Order entered September 29, 1982, in the matter of the appeal of Rick Webb, Appellant, v. Chief, Division of Water Resources, State Department of Natural Resources, Appellee, and Brooks Run Coal Company, Intervenor/Appellee, Civil Action No. AP-CA-82-102, in the Circuit Court of Kanawha County, West Virginia, the State Water Resources Board convened to reconsider the appeal of Rick Webb V. Chief, Division of Water Resources, Case No. 143, on an Order entered therein dated June 22, 1982.

Whereupon, Forrest H. Kirkpatrick, a member of the State Water Resources Board presented a letter signed by him addressed to the Secretary of the State Water Resources Board, which was made a part of the official file in Appeal Case No. 143, concurring in the decisions of Board members William T. Plass and John C. Ailes.

The Board therefore issues the following ORDER:

Upon the Findings of Fact and Conclusions of Law herein made, the Order of the Chief, Division of Water Resources, dated July 15, 1981, issuing Permit No. MDP-6388-81 to Brooks Run Coal Company and the terms and conditions of said permit are hereby affirmed:

Entered the 6th day of December, 1982.



John C. Ailes, Chairman



Forrest H. Kirkpatrick, Board Member



William T. Plass, Board Member

RIGHT TO APPEAL

As required by the provisions of the West Virginia Water Pollution Control Act (Code 20-5A-15 (i)), we hereby notify you of your right to appeal from this ORDER by filing a petition for appeal in the Circuit Court of Kanawha County within thirty (30) days from the receipt by you of this copy of the ORDER in the manner provided by the provisions of the West Virginia Administrative Procedures Act. (Code 29-A-5-4).



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

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

WILLIAM PLASS
21 Grandview Drive
Princeton, WV

FRANCES E. HUNTER
Board Secretary

December 1, 1982

Mrs. Frances E. Hunter
Secretary
WV State Water Resources Board
1205 Greenbrier Street
Charleston, WV 25311

Dear Mrs. Hunter:

I have reviewed the full record - including transcripts and exhibits - in the Rick Webb v Chief of Water Resources Division appeal (No. 143) as presented to the State Water Resources Board on November 10, 1981.

I concur in the decision of John C. Ailes and William T. Plass, on the basis of their Findings of Fact and Conclusions of Law, in denying the appeal of Mr. Webb. Therefore, I am voting to sustain the order of the Chief on the basis of Proposed Findings of Fact and Conclusions of Law as reported by Mr. Ailes and Mr. Plass.

Sincerely

A handwritten signature in cursive script, appearing to read "Forrest H. Kirtpatrick".



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November 19, 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 December 6, 1982, to be held in conference room located at 1205 Greenbrier Street, Charleston, West Virginia, at:

9:00 a. m. - Discussion and Decision on the Petitions for Modification to the Hazardous Waste Management Regulations

Hear Appeal No. 157 - Three Runs Woods Home Owners, et al. v Chief, Division of Water Resources, State Department of Natural Resources

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 11-19-82