

October 29, 1986

Chairman John Ailes met with counsel for parties in Appeal No. 193, Howes Leather Company, Inc., re: Proposed Consent Order. Counsel for both the Appellant and Appellee stated that the Order had been prepared, but had not been reviewed totally by all and requested it be continued until the next meeting of the Board, tentatively scheduled for December 1, 1986.

The Groundwater Reg. Subcommittee Meeting was held with approximately 20 in attendance (see minutes attached).



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

1206 Greenbrier Street
Charleston, West Virginia 25311
(304) 348-4002

October 21, 1986

JOHN C. AILES
P.O. Box 1036
Romney, West Virginia
DR. DAVID E. SAMUEL
Box 16 Rt. 6
Morgantown, West Virginia
ROBERT B. SCOTT
601 David Avenue
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STAFF
FRANCES E. HUNTER
Executive Secretary
PAUL L. HILL, JR., PH.D.
Technical Assistant
ROBERT K. PARSONS
ASSISTANT ATTORNEY GENERAL
Legal Advisor

OFFICE LOCATION
1260 Greenbrier Street

FILED
OCT 21 AM 10:27
SECRETARY OF STATE

WILLIAM PLASS
21 Grandview Drive
Princeton, West Virginia

Mr. Ken Hechler
Secretary of State
State Capitol
Charleston, West Virginia 25305

Re: Notice of Hearing/Meeting

Dear Mr. Secretary:

Pursuant to Chapter 6, Article 9 of the Code of West Virginia and in accordance with rules and regulations promulgated and filed by the Board in your office, notice is hereby given that the State Water Resources Board will be meeting at 1:00 P. M. on October 29, 1986 at 1260 Greenbrier Street, Charleston, west Virginia for purposes of:

- To Consider Proposed Consent Order in Appeal No. 193, Howes Leather Company, Inc.,;
- Other business which may properly come before the Board; and
- Groundwater Regulation Subcommittee Meeting

The meeting is open to the public pursuant to above Code. Seating capacity of the confernce room is 20.

Very truly yours,

Frances E. Hunter
Executive Secretary



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MEMORANDUM TO: Groundwater Regulation Subcommittee
FROM: Paul L. Hill, Jr., Water Resources Board *PLH*
RE: Minutes of October 29, 1986 Meeting

The second meeting of the Groundwater Regulation Subcommittee was held as planned on October 29, 1986 at 1260 Greenbrier Street, Charleston. The previously circulated agenda for the meeting was followed with few exceptions. Chairman John C. Ailes, Water Resources Board, called the meeting to order and open the discussion of the first agenda item.

Frank Pelurie, Division of Water Resources, updated the group on activities of the Director's Advisory Committees since that group had met twice since our last gathering. He noted that the strategy was being given the final once-over for submission to EPA. Frank also briefly highlighted the activities of the various other subcommittees and their progress toward making reports and recommendations to the Director.

Study group reports began with Paul Hill, Water Resources Board, discussing activities of the Policy Subcommittee in lieu of Keith Miller, Monsanto Co., who was unable to attend. A draft "protection policy" or "resource management policy" was circulated to indicate the present thinking of the Policy group. This touched off a round of debate over language conflicts, limitations and intent. Philosophical differences of opinion over the policy approach also surfaced.

The written report on Other State Programs also distributed by Paul Hill, however, suggested that it was not within the scope of this particular group (Regulation) to make policy decisions. The previous policy draft is just that -- a draft and will be suggested to the Director's Advisory Committee. It is within the auspices of this group that management policy and program direction should be decided.

In discussing Other State Programs a general description of various peripheral aspects of all state programs was presented. This was primarily a summary, in chart form, edited from the Edison Electric Institute Report on State Programs. Also in discussing Other States, Ann Bradley, Robinson & McElwee, presented an analysis of three different classification approaches as demonstrated by Connecticut, New Hampshire and Maryland. This further indicated the variability in programs which the group should consider.

The Technical Study Group indicated that it had had problems getting started due to an assumption that Dr. Henry Rousch of WVU

would be involved with the Subcommittee's work. Once informed of the situation, that Rousch had been invited but refused unless travel expenses were paid, time was too short for remaining individuals in the group to appropriately act. Lee Whitehurst, Division of Water Resources, also indicated he would be leaving the State's employ effective the following week. Therefore, the entire subcommittee discussed the need to recruit individuals to serve in the Technical Group and the vital importance of technical information in the regulatory process. Several individuals indicated that they would attempt to recruit technical personnel from their various agencies or sources.

The Terminology Study Group was also unable to present an adequate report at this meeting. Activities with other groups had prevented this.

A discussion of the Legal Study Group's findings was presented by Karen Watson, Attorney General's Office. She noted that the group had discussed two primary issues and identified at least four areas which need further research. "Authority of the Code 20-5A" and "purpose of the Legal Group" were the two primary points while the areas in need of further analysis raised many questions on present legal restrictions and authorities.

A copy of the reports presented by each group is enclosed for those of you who were unable to attend the meeting. Also included is a list of attendees.

Before concluding the meeting Chairman John Ailes requested suggestions for further study reports or clarification of topics.

Each existing Study Group indicated it would proceed with researching information deemed pertinent to groundwater regulation. A possible meeting date in early December was also discussed. There being no further business the group adjourned.

Regulatory Subcommittee
Water Resources Board
October 29, 1986

John Ailes, Chairman

Ann Bradley	Robinson + McElwee	344-5800
Frank Pelucic	DNR	348-2108
Ed Bumgarner	SSOC	348-2204
Norman Roush	DOHHS	348-2304
Helen Gibbins	Liaison of Women Voters	348-3887
ROBERT PAUL	HEALTH	348-0598
Kristi Freadway	AG	348-9160
Karen Watton	AG	"
Bob Parsons	A.G.	348-4002
TIM MALLON	APPALACHIAN PEOPLE	703-985-2367
Ken Ellison	DNR	348-3614
Steven B. Wright	DNR	348-2107
David Long	DNR	348-3614
W.S. Berryhill	"	"
Ken Politan	DOE	348-3500
18 Paul Hill	WRB	348-4002