

BOARD MINUTES

January 23, 1989

The Board met on the above date in conference room located at 1260 Greenbrier Street, Charleston, WV 25311 with five members present. Mr. Ailes stated that Ms. Widmer (appointed by Gov. Moore) did not wish to serve and thus Dr. Samuel was retained as an "old" member. Ms. Hunter (your secretary) called an executive session and suggested as this was a new Board a Chairman be appointed. Mr. Ailes was unanimously selected. At that time Mr. Ailes suggested that Jan Taylor be retained as the Board's technical advisor and I as Executive Secretary (or Administrator) which was also unanimously agreed to.

The Board then proceeded into the order of business which followed the notice as filed in the Office of the Secretary of State on January 9, 1989:

by proper motion and vote the following actions were taken: unanimously granted Stay in Appeal No. 399, Rhone-Poulenc; heard Appeal No. 392 - Sharon Garnes & Julian C. Garnes; received status reports in Appeal No. 345 - Beckley Magnetite, Inc, Appeal No. 330-Parrish Manor; Elkem Metals appeal No. 358; Koppers Co. Appeal No. 363 (none received but report given stating this is being litigated in Federal court); and a CO received in Appeal No. 308 VEPCO. For further information see transcript and/or Order in each of the above files.

The Board also heard on this date per Order of the*Honorable Judge Dennis Knapp "to schedule at its next regular meeting" the reconsideration of the Director of the DNR's denial of the LCS landfill permit application. (see transcript and related documents in file). *Federal Judge Southern District W. Va.

Copy of attendee list and hearing notice as filed in the office of the Secretary of State attached.

(more)

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Also on this date, the Board received from yours truly a report of the actions taken by the Legislative Rule-Making Review Committee - which authorized the "agency"(Board) to promulgate the Legislative Rule Series 1 - Title 46 - Requirements Governing Water Quality Standards (see attached copy of Notice). By proper motion and vote the Board unaminously promulgated said rule.



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD
 1205 Greenbrier Street
 Charleston, West Virginia 25311
 (304) 348-4002

JOHN C. AILES
 P.O. Box 1036
 Romney, West Virginia
 DR. DAVID E. SAMUEL
 Box 16 Rt. 6
 Morgantown, West Virginia

STAFF
 FRANCES E. HUNTER
 Executive Secretary
 Jan R. Taylor
 Technical Advisor
 Lowell D. Greenwood
 ASSISTANT ATTORNEY GENERAL
 Legal Advisor

OFFICE LOCATION
 1260 Greenbrier Street

January 9, 1989

WILLIAM PLASS
 21 Grandview Drive
 Princeton, West Virginia

1989 JAN - 9 PM 2:55
 FILED
 OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

The Honorable Ken Hechler
 Secretary of State
 State Capitol Bldg. # 1 Room 157K
 Charleston, West Virginia 25305

Re: Notice of Hearings/Meetings

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 on the following dates/times/purposes as listed below:

January 23 - 9:00 A.M. - Hear Request for Stay in Appeal No. 399, Rhone Poulenc Ag, Appellant, vs. Chief, Division of Waste Management, State Department of Natural Resources and Request for Stay in Appeal No. 401, Borg Warner Chemicals, Inc. Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

9:30 A.M. - Evidentiary Hearing - Appeal No. 392 - Sharon Garnes and Julian C. Garnes, Appellants, vs. Chief, Division of Waste Management, State Department of Natural Resources, Appellee;

Evidentiary Hearing - Appeal No. 345 - Beckley Magnetite, Inc., Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

Evidentiary Hearing - Appeal No. 330 - Parrish Manor, Inc., Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

The Honorable Ken Hechler
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1:00 P.M. - Consent Orders or Motions for Dismissal in the following:

Appeal No. 358 - Elkem Metals Company, Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

Appeal No. 363 - Koppers Co., Inc., Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

Appeal No. 308 - Virginia Electric and Power Company, Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee; and

Other business which may properly come before the Board.

February 15 - 9:00 A.M. - Evidentiary Hearing - Appeal No. 340 - Twin Branch Coal Company, Appellant, vs. Director, Department of Natural Resources, Appellee;

Evidentiary Hearing - Appeal No. 365 - Development Authority of Mercer County, Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

1:00 P.M. - Request for Revision of Water Quality Standards for Simmons Creek of the Kanawha River and Tenmile Creek of the Buckhannon River; and

1:30 P.M.- Status Reports and/or Consent Orders or the hearing on the merits in the following:

Appeals Nos. 366, 344 and 387 - Monongahela Power Company, Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

Appeal No. 313 - Appalachian Power Company, Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

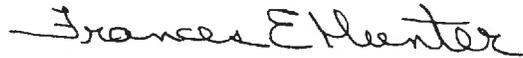
Appeals Nos. 284, 285 and 286 - Wheeling Pittsburgh Steel Corporation, Appellant, vs. Chief, Division of Water Resources, Appellee;

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Other business which may properly come before the Board

The meetings are open to the public and the conference room has a seating capacity of 20 persons.

Very truly yours,



Frances E. Hunter
Executive Secretary

c Capitol News Media

Water Resources Board Hearing Meeting
1-23-89
Attendee List

<u>Name</u>	<u>Organization</u>
MAX Robertson	DNR - Div Waste Mgmt
George A. Chappell, Sr	Almer & Associates, Inc.
Joe Coeaso	LPS SERVICES
Arch Lenzi	L.P.S. Services, Inc.
Marta Daur	Atty Gen'l Office - Div Env. & Energy
Michael T chow	Rhône-Poulenc Ag company
Fred Boggs	Rhône-Poulenc Ag Co.
Ann Bradley	Robinson & McElwee
Jim Breda	Borg Warner Specialty Chemicals
Bob McLusky	Jackson & Kelly
RICHARD A. RICE	ALBERT COOPER & ASSOC.
Ann Spaner	AG Division of Environment & Energy