

Board Minutes  
February 15, 1989

The WRB met on the above date at 9:00 am in their conference room located at 1260 Greenbrier Street, Charleston, WV. Members present: Mr. Ailes, Dr. Tarter, Mr. Skeen and Dr. Jenkins - absent: Dr. Samuel. (See notices as filed in the office of the Secretary of State on January 9 and 30, 1989. Chairman Ailes informed Board members that he was served at 2:15 pm (February 14, 1989) when he was waiting for the Director of DNR in his (Director's) office (he had made an appointment to see Mr. Hamrick in January) with a summons to be at the Kanawha County Court at 2:45 pm in Judge Tod Kaufman's Court for a hearing. This hearing was to be held February 14, 1989. Attorney General Charlie Brown had filed a Motion for Preliminary Injunction against the WRB and Mr. Ailes as Chairman. Mr. Ailes did appear to represent the Board. Mr. Brown alleged that the Board had not followed the "open meetings rule" in holding a hearing on LCS on January 23, 1989.

Let the record read, that I, Frances E. Hunter, as Executive Secretary, was advised by Assistant Attorney General Chris Moffatt at approximately 11:45 am on February 14, 1989, of this action and that we (Board) could "use Lowell Greenwood, another Assistant Attorney General or an attorney of our choice in this action". Upon Chairman Ailes' direction, I contacted Mr. Greenwood, Assistant Attorney General, who was familiar with this case. Mr. Greenwood did not receive the summons until 3:11 pm when they were delivered by a secretary from the Environment & Energy Division to the Board office.

The Board then proceeded to the Order of business as follows:

By proper motion and vote:

continued by agreement of the parties Twin Branch Coal Appeal No. 340;

-continued Appeal No. 365 - Development Authority of Mercer County by agreement of the parties;

- continued Appeal No. 399 - Rhone Poulenc Ag Company because the DNR failed to deliver a deficiency list to the Company by February 10, 1989;

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- received a status report on Appalachian Power Co., Appeal No. 313;
- received a verbal report from yours truly on Appeals Nos. 344, 366 and 387
- Monongahela Power Co., that the issues they were appealing would most likely be addressed in the new proposed NPDES rules;
- received a report from Mr. Pollitt that both the State and Wheeling Pittsburgh Steel's Appeals Nos. 285, 285 and 286 were negotiating and he would submit a report in writing to the Board;
- continued Appeal No. 402 - Morgantown utility Board;
- continued John Eliot Associates AMFM, Inc., by agreement of the parties as counsel for Mr. Elliot had a prior commitment;
- heard reports from representatives for LCS and the State as to the technical aspects of their application;
- heard the request for revision of water quality standards for Simmons Creek and Ten Mile Creek of the Buckhannon River.

(See transcripts in file for each of the above appeals).

Next meeting of the Board set for February 27, 1989.

Attendee list attached.



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

FILED  
1989 JAN -9 PM 2:55  
OFFICE OF THE 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  
January 9, 1989

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;

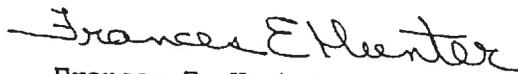
Appeals Nos. 284, 285 and 286 - Wheeling Pittsburgh Steel Corporation, Appellant, vs. Chief, Division of Water Resources, Appellee;

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January 9, 1989

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



FILED  
1989 JAN 30 PM 2:13  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

JOHN C. AILES  
Dr. Donald Tarter  
DR. DAVID E. SAMUEL  
Kennad L. Skeen  
Dr. Charles R. Jenkins

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

STAFF  
FRANCES E. HUNTER  
Executive Secretary  
Jan R. Taylor  
Technical Advisor  
Janet F. Steele  
ASSISTANT ATTORNEY GENERAL  
Legal Advisor

OFFICE LOCATION  
1260 Greenbrier Street

January 30, 1989

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

Re: Amended Notice of Hearings/Meetings

Dear Mr. Secretary:

In addition to the notice filed in your office on January 9, 1989 the Board hereby amends the schedule for February 15, 1989 as follows:

- 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, Department of Natural Resources, Appellee;
- Evidentiary Hearing - Appeal No. 399-Rhone Poulenc Ag Company, Appellant vs. Chief, Division of Waste Management, 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;
- 1:30 P.M. - Status Reports and/or Consent Orders or the Evidentiary Hearing on the Merits in the following:
  - Appeals Nos. 366, 344 and 387 - Monongahela Power Company, Appellant vs. Chief, Division of Water Resources, Department of Natural Resources, Appellee;
  - Appeal No. 313 - Appalachian Power Company, Appellant vs. Chief, Division of Water Resources, Department of Natural Resources, Appellee;
  - Appeals Nos. 284, 285 and 286 - Wheeling Pittsburgh Steel Corporation, Appellant vs. Chief, Division of Water Resources, Department of Natural Resources, Appellee;
  - Evidentiary Hearing - Appeal No. 402, Morgantown Utility Board, Appellant vs Director, Department of Natural Resources, Appellee;
  - Hear Appeal No. 403, John Elliot Associates AMFM, Inc., Appellant, vs. Chief, Division of Water Resources, Department of Natural Resources, Appellee;

The Honorable Ken Hechler  
Secretary of State  
January 30, 1989  
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Continuation of Appeal No. 347 - LCS Services, Inc., Appellant vs.  
Director, Department of Natural Resources, Appellee and Citizens  
To Fight North Mountain Waste Site, Intervenors/Appellees; may continue  
into the next day; and  
Other business which may properly come before the Board.

This notice is filed 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. The meeting is open to the public and has a seating capacity of 20  
persons.

Very truly yours,

STATE WATER RESOURCES BOARD



Frances E. Hunter  
Executive Secretary

Feb 15

1:00 pm

Water Resources Board - Tommie Creek

- |                        |  |
|------------------------|--|
| 1. Mary Pat Peck       | Know Data  |
| 2. DON GARVIN          | Mountaineer Chapter Trout Unlimited                  |
| 3. Lou Schmidt         | " " " "  |
| 4. Phil Rossano        | " " " "  |
| 5. Cindy Rank          | WV Highlands Conservancy                             |
| 4. Mary Shaver         | Mt. Chpt. Trout Val -                                |
| Steve Hallock          | DuPont Belle - Summit Creek Revision                 |
| Barbara Little         | Jackson & Kelly on behalf of Island Creek Mining Co. |
| Jerry Lombardo         | Island Creek Mining Co.                              |
| AL Meek                | Island Creek Miners CO.                              |
| Arl Bennett            | WRD - DNR  |
| Steve Keen             | Island Creek Corporation                             |
| El. McCh               | DNR - work   |
| Paul Ware              | DNR  |
| Daryl Mandstahl        | TU   |
| Ann Bradley            | Robinson & McEwen                                    |
| George A. Caffell, Jr. | Almes & Associates, Inc.                             |