

## BOARD MINUTES

The Water Resources Board met on June 21 & 22, 1989 in conference room located at 1260 Greenbrier Street, Charleston, WV at 9:30 a.m. with members Dr. Samuel, Mrs. Neal, and Dr. Jenkins present - Dr. Tarter arrived approximately 10:40 pm.

The order of business followed the Notice of Hearings/Meetings as filed in the Office of the Secretary of State. (See transcripts of each appeal in file.)

Let the minutes read that Dr. Samuel was selected by Mrs. Neal and Dr. Jenkins and Dr. Tarter to serve as Chairman (there is yet one vacancy on the Board).

By proper motion and vote the Board took the following actions:

Unanimously agreed to retain Frances E. Hunter as their Executive Secretary and empowered her to sign all documents as need be for the Board and Jan R. Taylor, Ph.D. as their Technical Advisor.

The Board "granted" a permit to LCS - a date for review of public comments on the technical aspects of the draft permit will be held sometime the week of September 11th, 1989 after public notice is properly given.

By agreement of the parties Appeal No. 409 was continued until July 10, 1989 - to be held in this conference room.

Original notice of hearing attached along with list of attendees.

Respectfully submitted,

Your Secretary



STATE OF WEST VIRGINIA  
STATE WATER RESOURCES BOARD

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

FILED

1989 JUN -6 PM 2: 10

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

STAFF  
FRANCES E. HUNTER  
Executive Secretary  
Jan R. Taylor  
Technical Advisor

Dr. Donald Tarter  
DR. DAVID E. SAMUEL  
Dr. Charles R. Jenkins  
Ms. Sarah L. Neal

June 6, 1989

OFFICE LOCATION  
1260 Greenbrier Street

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:

June 21, 1989

- 9:30 A.M. - 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 (which may continue until 1:00 P.M. the next day (June 22, 1989). The Board will hear the "Motion To Find LCS Application Technically Complete"; the "Motion To Issue LCS Permit"; any and all matters, motions, consent orders, or other pleadings or any evidence in connection with the above appeal;
- 10:30 A.M. - Hear Appeal No. 409, Phillip Gwinn, Appellant, vs. Director, Department of Natural Resources Appellee (which may continue into the next day (June 22, 1989). The Board will hear any and all matters, motions, consent orders, or other pleadings or any evidence in connection with the above appeal;
- 12:00 - 1:00 BREAK FOR LUNCH (Resume hearing on Appeal No. 409 approximately 1:00 P.M.

The Honorable Ken Hechler  
page 2  
June 6, 1989

9:00 A.M. - Resume hearing on Appeal No. 409 - if more time is necessary.

Hear Appeal No. 407, Donald Morris, Appellant vs. Division of Water Resources, Appellee and Appeal No. 408, Theodore Wachter, Appellant vs. Division of Water Resources, Appellee. Any and all matters, motions, consent orders or other pleadings or any evidence in connection with the above appeal;

12:00 - 1:00 BREAK FOR LUCCH (Resume Appeal No. 347 if more time is necessary.)

Status reports on the following:

Appeals Nos. 194, 198 - Island Creek Coal Company

Appeal No. 202 - Enoxy Coal Company

" " 249 - Corning Glass

" " 261 - Badger Coal

" " 305 - Union Carbide Corporation (Sistersville)

" " 311 - " " " (Tech Center)

" " 313 - Appalachian Power Company (Mountaineer Plant)

" " 314 - Quaker State (Newell)

" " 329 - Ravenswood

" " 345 - Beckley Magnetite

" " 378 - E. R. O.

Appeals Nos. 284, 285 & 286 - Wheeling Pittsburgh Steel Corporation

Any and all matters, motions, consent orders, or other pleadings or any evidence in connection with the above listed appeals as well as other matters which may properly come before the Board may be considered at these hearings/meetings. The hearings/meetings are open to the public and the conference room has a seating capacity of 20 persons.

Very truly yours,

STATE WATER RESOURCES BOARD



Frances E. Hunter, Executive Secretary

BEFORE THE STATE WATER RESOURCES BOARD  
AT CHARLESTON

RECEIVED

JUL 10 1989

WATER RESOURCES BOARD

Transcript of other business to come before the Board on the 21st day of June, 1989, commencing at 9:30 a.m., at 1260 Greenbrier Street, Charleston, West Virginia.

BEFORE: E. FORREST JONES, Hearing Examiner

MS. SARAH LEE NEAL, Member

DR. CHARLES R. JENKINS, Member

DR. DAVID E. SAMUEL, Member

STAFF: JAN R. TAYLOR, Technical Advisor;

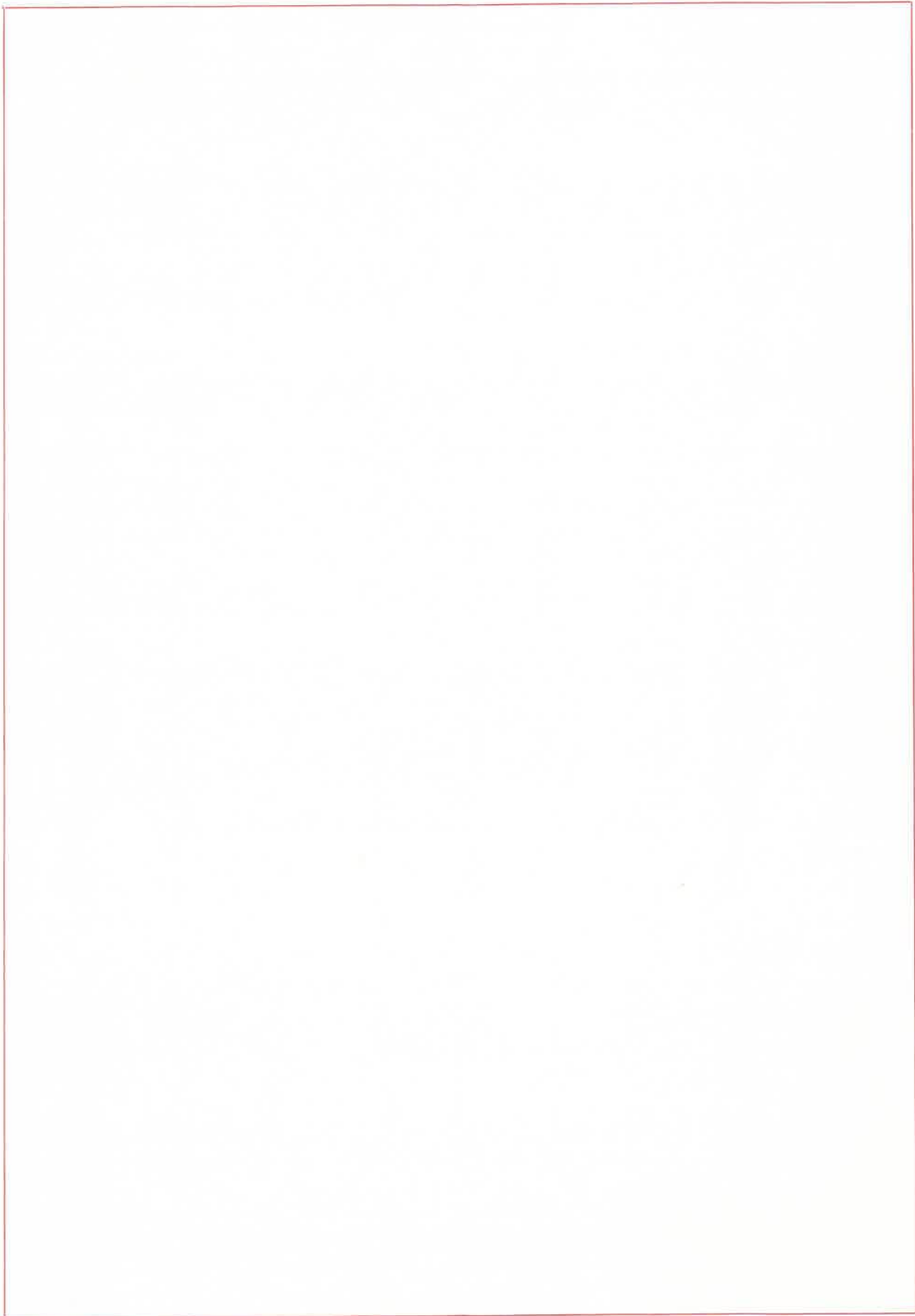
FRANCES E. HUNTER, Executive Secretary.

DATE: 7/10/89

**NINETY DAYS FROM THE ABOVE DATE THE  
TAPES OF THIS MATTER WILL BE ERASED  
SO THAT THEY MAY BE REUSED UNLESS  
WE HEAR FROM YOU INDICATING YOUR  
REASONS WHY THIS SHOULDN'T BE DONE.**

**JANET T. SURFACE  
ALUM CREEK, WEST VIRGINIA 25003  
PHONE (304) 756-3302 756-3611**

**JANET T. SURFACE  
COURT REPORTER  
ALUM CREEK, WEST VIRGINIA 25003  
PHONES: (304) 756-3302 OR 756-3611**



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MS. NEAL: Mr. Chairman, I move that this Water Resources Board continue the executive secretary, Fran Hunter, and Jan Taylor, technical advisor, in their present positions.

DOCTOR SAMUEL: I second that.

DOCTOR JENKINS: I concur.

EXAMINER JONES: There is a second and a concur, and I take it the motion is unanimous and so ordered.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

I, the undersigned, Deborah A. Dickens,  
Stenomask Reporter, do hereby certify that the foregoing is, to  
the best of my skill and ability, a true and accurate  
transcript of the proceedings had in this matter on the 21st  
day of June, 1989.

Given under my hand this 7th day of July,  
1989.

Deborah A. Dickens

Reporter

BEFORE THE STATE WATER RESOURCES BOARD  
AT CHARLESTON

RECEIVED

JUL 10 1989

WATER RESOURCES BOARD

Transcript of other business to come before the  
Board on the 22nd day of June, 1989, commencing at 9:00 a.m.,  
at 1260 Greenbrier Street, Charleston, West Virginia.

BEFORE:           LOWELL D. GREENWOOD, Hearing Examiner

MS. SARAH LEE NEAL, Member

DR. CHARLES R. JENKINS, Member

DR. DAVID E. SAMUEL, Member

STAFF:           JAN R. TAYLOR, Technical Advisor;

FRANCES E. HUNTER, Executive Secretary.

DATE:

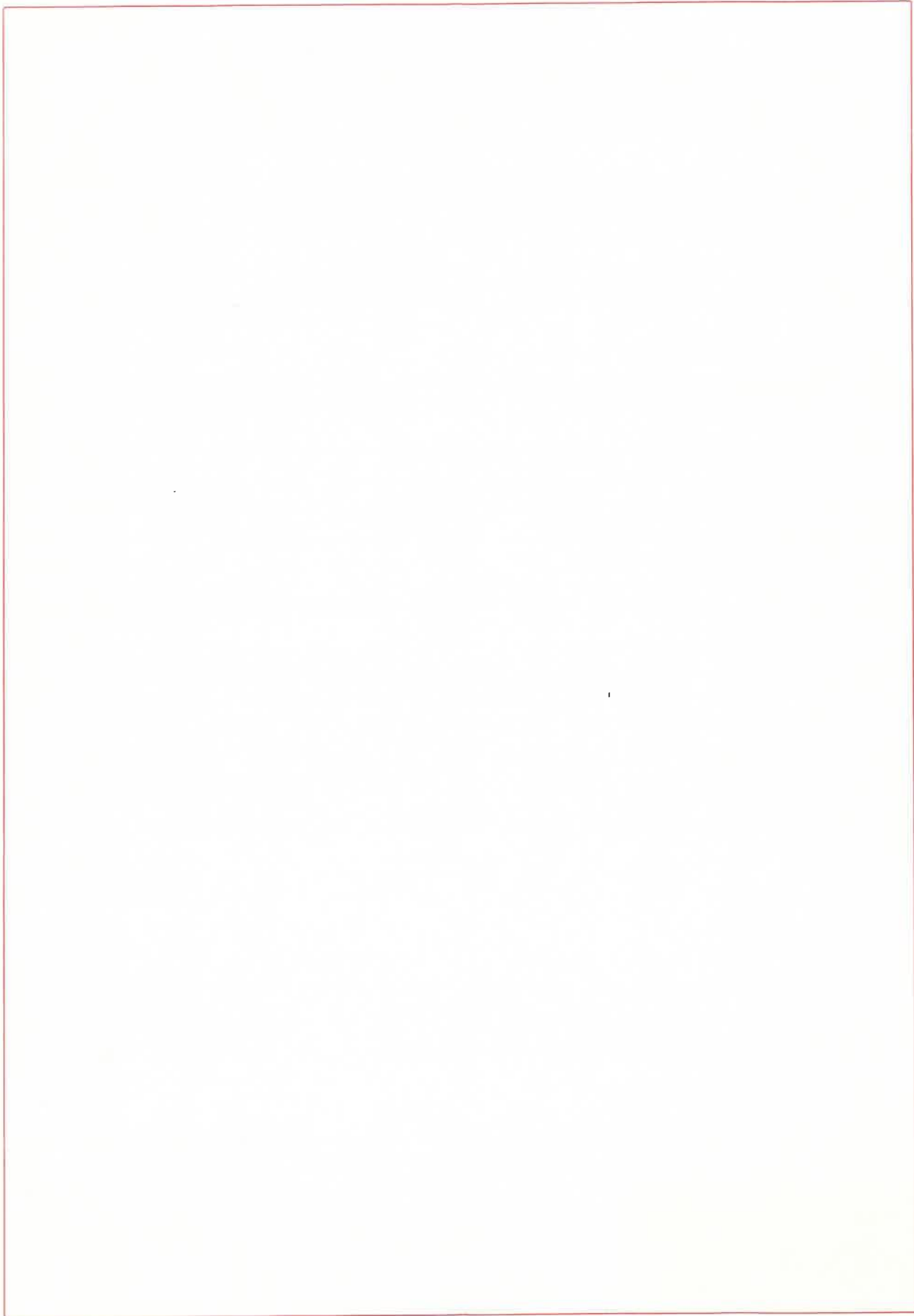
7/10/89

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ALUM CREEK, WEST VIRGINIA 25003  
PHONES: (304) 756-3302 OR 756-3611

DOCTOR JENKINS: I nominate Dave Samuel as Chairman of this Board.

EXAMINER GREENWOOD: And do we hear a second?

MS. NEAL: I second.

EXAMINER GREENWOOD: Do we hear any nays?

(No response.)

EXAMINER GREENWOOD: We assume he's elected by acclamation.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

I, the undersigned, Deborah A. Dickens,  
Stenomask Reporter, do hereby certify that the foregoing is, to  
the best of my skill and ability, a true and accurate  
transcript of the proceedings had in this matter on the 22nd  
day of June, 1989.

Given under my hand this 7th day of July,  
1989.

*Deborah A. Dickens*

Reporter

# WRB Hearing / Meeting June 21, 1989

## Attendee List

<u>Name</u>	<u>Organization</u>
Sherry Younger	WV DNR Waste Man.
Lisa James Dirting	—
DONALD L. DIRTING	
Joe Shyles	LCS
Gregory R Gorrell	LCS
David E. Daniels	Tri County Citizens For Irish Mountain
Donna L. Daniels	Tri County Citizens For Irish Mountain
Virginia Malvar	Tri County Citizens for Irish Mountain
Jane Martin	Tri-County Citizens For Irish Mountain
Anna Ruth Huber	Tri-County Citizens for Irish Mountain
Richard A. Simms	Tri-County Citizens for Irish Mountain
CRAG DUDLEY	" " " " " "
LARRY M. MARTIN	" " " " " "
JON MAHAN	" " " " " "
Leslie Shaffer	" " " " " "
Eugene Lepley	" " " " " "
Yvonne Smith	" " " " " "
George O'Dest	" " " " " "
Lynna Hicks	" " " " " "
Bernard Twobig	" " " " " "
Eric Brannan, PE	Kelley Galley, Blair, & Wilke, Inc.
George Chappell	Almas & Associates Inc
Richard D Gallitt	Deputy Atty Gen.
Buckner D. Patel	WV DNR Waste Management
Bob Ni	Concerned Citizen
Mark Fay	" "
Ron Potesta	Stevaden Corp
FRED LONG	P.O. Box 1000 HINSTON NEWS
JOHN WAIKE	D.O.H. SUPERVISOR
Michael Graham	Individual
MICKEY SYLVESTER	WV DNR LAW ENFORCEMENT
<del>Paul S. Jones</del>	Childers Gates Engr. / Beckley
ROBERT R. PARSONS	witness
John McEwen	attys - intervenors
Robert Shostak	"

WRB Hearing/Meeting June 22, 1989  
Attendee List

Name	Organization
Robert Shostak	Deputy Atty Gen.
Robert Shostak	ATTY FOR INTERVENORS
Philip Jurina	Judge
Philip Jurina	Appellant
A. White	A. Bates Co
Ann Spaner	Asst. Attorney General
Larry M. Martin	Tri-County Citizens for Irish Mtn.
Jane Martin	Tri-County Citizens for Irish Mtn.
Donna L. Daniels	Tri-County Citizens for Irish Mtn.
Virginia Malen	Tri-County Citizens for Irish Mtn.
Richard A. Simons	Tri-County Citizens for Irish Mtn.
George D. Deitz	Tri-County Citizens for Irish Mtn.
James B. Deitz	Tri-County Citizens for Irish Mtn.
F. Alfred Simons Jr.	attys. for Gerrard App. 400
Robert Lynn Long	L.A. Gates
John McFerrin	attys for intervenor
Stephen Faust	Quinn's Earth Saled
Fred Long	Waste Outreach + S.C. Health Dept
Monte Dan	Hinton News
Bryan Hatch	A/G
Addie Wilson	A/G
James H. Hall	Tri-Co. Citizens for Irish Mtn.
Gregory R. Gorrell	Hall's Photography
Richard G. Armes	LCS
Kim Brown Paland	Armes & Associates, Inc
Benjamin C. Whitchens	Robinson + McElwee
Monte Dan	A/G
Barbara D. Little	Asst. A/G
John F. Estro	Jackson + Kelly
Donald L. Dirting	Jackson + Kelly
Lisa James Dirting	Hedgesville WV
Andrew S. Zettl	Hedgesville, W Va.
J. Gillenwater	Huddleston Boba Bantky Park + Capen
Sushra Patel	Kelly Gidley Flannery Wolfe - Charleston WV
	WV DNR Waste Management

Rod Jackson  
George Chappell

Atty for LCS  
Almes and Associates