

## BOARD MINUTES

The Board met at 9 A.M. on September 17, 1990 with all members present. By proper motion and vote the Board:

dismissed Appeals No. 284, 285 & 286, Wheeling Pittsburgh Steel;  
continued Appeal No. 422 (Perry's);  
continued Island Creek Appeal Nos. 194 and 198;  
dismissed Badger Coal Appeal No. 261;  
continued Beckley Magentite Appeal 345 - consent order forthcoming;  
dismissed Appeal 382 - Claude and Maxine Taylor;  
dismissed Appeal 420 - Dimitri Chaber;  
dismissed Appalachian Power Appeal No. 302;  
entered Consent Order in Appeal 412 - City of Morgantown,  
dismissed Appeal No. 410 - Farrell and Augusta Fisher;  
entered Consent Order in Appeal No. 432 - Badger Coal Co.; and  
requested State to submit "new evidence" in Appeal No. 421 - Union Carbide Corp. and entered a Stay in this case.

The Board also dismissed ERO Appeal No. 436 - see transcript in file and continued Appeal No. 435.

See transcript in file for LCS - Appeal No. 440. The Board dismissed motions to disqualify the Board's Legal Advisor.

attached notice of hearing &  
attendee list



STATE OF WEST VIRGINIA  
STATE WATER RESOURCES BOARD

1260 Greenbrier Street  
Charleston, West Virginia 25311  
(304) 348-4002

CHARLES R. JENKINS, Ph.D.  
SARAH LEE NEAL  
DAVID E. SAMUEL, Ph.D.  
EDWARD M. SNYDER, Ph.D.  
DONALD C. TARTER, Ph.D.

September 5, 1990

FILED

1990 SEP -5 AM 10:09

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

GASTON CAPERTON  
Governor

STAFF  
FRANCES E. HUNTER  
Executive Secretary

JAN R. TAYLOR, Ph.D.  
Technical Advisor

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

Re: Notice of Hearings/Meeting

Dear Mr. Secretary:

Pursuant to Chapter 6, Article 9, Section 1 et seq. of the Code of West Virginia and in accordance with rules promulgated and filed by this Board in your office, notice is hereby given that the Board will meet on September 17, 1990 in conference room located at 1260 Greenbrier Street, Charleston, West Virginia time/purpose(s) as follows:

9:00 A.M. - Review and enter Consent Order in Appeal No. 422 - Roger J. Perry, William C. Perry and Mary P. Smith, Appellants, vs. Chief, Division of Waste Management, State Department of Natural Resources, Appellee;

Review and enter Consent Order in Appeal No. 426 - Royce Hosiery Mills, Inc., Appellant, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee;

Enter Dismissal Orders in Appeals:

Nos. 194 & 198 - Island Creek Coal Company;  
Nos. 284, 285 & 286 - Wheeling Pittsburgh Steel;  
No. 261 - Badger Coal Company;  
No. 345 - Beckley Magnetite, Inc.;  
No. 382 - Claude Taylor and Maxine Taylor;  
No. 420 - Dimitri Chaber.  
No. 302 - Appalachian Power Company (John Amos);  
No. 412 - City of Morgantown; and  
No. 410 - Farrell and Augusta Fisher.

Receive Consent Orders in:

Appeal No. 432 - Badger Coal Co.

Hear Request for Stay in Appeal No. 421 - Union Carbide Corporation, Appellant vs. Chief, Water Resources Section, Appellee;

Hear Motion to Intervene in Appeal No. 439; and Evidentiary Hearing Appeal No. 439 - Sharon Garnes and Julian Garnes, Appellants, vs. Director, West Virginia Division of Natural Resources and Chief of the Waste Management Section, Appellees;

NOON - 1:30 P.M. LUNCH

Hear Appeal Nos. 435 & 436 - ERO, Inc. a Corporation, Appellant vs. Director, Division of Natural Resources (DNR) and Acting Chief, Division of Waste Management, Appellees;

Hear Appeal No. 440 - LCS Services, Inc., Appellant vs. WV Department of Natural Resources, Appellee;

Hear Appeal No. 441 - John Copley DBA Norge Village, Appellant vs Max Robertson, Chief, Waste Management Section DNR; and


If time permits -  
Deliberations/decision in Appeal No. 419 - Shorty's Tire, Inc., Appellant, v. Director, Department of Natural Resources and Chief, Division of Waste Management, Department of Natural Resources, Appellee;

Deliberations/decision in Appeal No. 414 - Fields Hutchins, Sr., B. Gene Wilson, James F. Nash, Jr., Joe Chasnoff, and Concerned Citizens of Alderson-Glen Ray, Appellants, vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee and Wood Guard Lumber, Inc., Intervenor; and

Other matters which may properly come before the Board may be considered.

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

Very truly yours,

  
Frances E. Hunter  
Executive Secretary

WRB Hearings/Meeting  
Sept. 17, 1990

Name

Organization

J.T. Fleming

Fleming Landfill, Inc

S.J. Fleming

Fleming Landfill, Inc.

Arden J. Curry (Att)

Fleming Landfill, Inc.

Shirley Pittman

AG's Office

Andrew S. Zettle

Huddleston, Blen, Beatty, Porter & Cooper

William J. Carstensen

Huddleston, Blen, Beatty, Porter & Cooper

Leonard Kaplan

AG

Q Q Broder

E.R.O. Inc.

Ashok M. Sanghavi

S&S Engineers, Inc.

Sandra Fleming

Fleming Landfill, Inc

Anne Shaff

D. Trapano & Jackson - LCS  
Services Inc.

Lonnie Simmons