

BOARD MINUTES

The Board met on February 22, 1991 with all members present and followed the agenda as filed in the Secretary of State's Office. By proper motion and vote the Board agreed to dismiss:

- Bradford Coal Co. Appeal 434
- Kessell Lumber - Appeal No. 424
- Corning Glass - Appeal No. 249
- Fleming Landfill - Appeal 437
- Don's Disposal - Appeal No. 438
- Monongahela Power Appeal 387
- Marion County Solid Waste Authority - Appeal No. 442.

Received Consent Order in Appeal 395 - Island Creek Coal Co.

The Board heard argument from counsel for the parties in Appeal 311 - Quaker State and agreed to schedule it for hearing on March 11, 1991.

The Board also discussed hearing the Monon. Appeal 344 and 366 later April May or June and to hold Airco Welding perhaps in April along with the Rhone-Poulenc Appeal No. 362.

Under other business the Board heard Appeal No. 461 - Ralph Wallace as he is a member of the National Guard - and subject to call. See transcript in file. The remainder of this appeal will be heard April 15, 1991.

The Board upheld the Chief's Order in Appeal No. 421 - Union Carbide and denied the Appellants Motion for Summary Judgement.

The Board also agreed to receive an agreed to order in Appeal 441 John Copley vs Chief, Waste Management (a FAX copy came in) - original to follow.

Order to be entered in Consol Appeal No. 380 - see transcript in file.

Next meeting dates - March 11 & 12 and April 15, 1991.

attached - attendee list
notice of hearing



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD
1260 Greenbrier Street
Charleston, West Virginia 25311
(304) 348-4002

FILED
1991 FEB -6 PM 1:35
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

February 6, 1991

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 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 this Board in your office, notice is hereby given that the State Water Resources Board will meet on February 22, 1991 in conference room located at 1260 Greenbrier Street, Charleston, West Virginia with agenda as follows:

9:00 A.M. - Status Reports/Dismissal Orders/Consent Orders in the following:

- Kessell Lumber - Appeal No. 424;
 - Corning Glass - Appeal No. 249;
 - Quaker State (Newell Plant) - Appeal No. 314;
 - Westmoreland Coal Company - Appeal No. 415;
 - Bradford Coal Company - Appeal No. 434;
 - Fleming Landfill, Inc. - Appeal No. 437; and
 - Don's Disposal Service, Inc. - Appeal No. 438.
 - Monongahela Power - Appeal Nos. 344, 366 & 387;
 - Island Creek Coal Company (Tioga) - Appeal No. 395;
 - Marion County Solid Waste Authority - Appeal No. 442; and
 - Airco Welding Products - Appeal No. 446.
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- Evidentiary Hearing - Appeal No. 362 - Rhone-Poulenc Ag Company, Appellant, v. Chief, Division of Water Resources, West Virginia Department of Natural Resources, Appellee;

NOON - 1:30 P.M. - LUNCH

1:30 P.M. - Rule on Motions in Appeal No. 421 - Union Carbide Chemicals and Plastics Company, Inc., Appellant, v. Chief, Division of Water Resources, Appellee and Evidentiary Hearing, if needed;

- Hear Appeal No. 441 - John Copley DBA Norge Village, Appellant, vs. Max Robertson, Acting Chief, Waste Management Section, Division of Natural Resources, Appellee;

Rule on Appeal No. 380 - Consolidation Coal Company, Appellant, Director, Division of Natural Resources, Appellee; and

- Other business which may properly come before the Board.

The above hearings/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

Attendee LIST
 Board Hearing
 Feb. 22, 1991

<u>Name</u>	<u>Organization</u>	
Narsh R. Shah	Water Resources	348-9160
Jerry Ray	" "	
Barbara Brown	A.G.	
Shirley Stagg	AG's office	348-9160
W. S. S. S.	AG's office	348-9160
Carroll Cather	Waste Management	348 2505
Mark Kees	" "	" "
Joseph Reinhart	Quaker State Corp.	412-394-5452
	(Babst, Calland, Clements + DNR)	
John C. + Stella P. Walker		
Dave Chaney	DNR DNR	
Dwight L. McClure	WV-DNR	348-8855