

MINUTES WATER RESOURCES BOARD

October 16, 1991

The Board met in their conference room at 1260 Greenbrier Street with Board members present - Dr. David Samuel, Chairing, and members Sarah Lee Neal, Dr. Donald C. Tarter & Dr. Charles R. Jenkins - absent Dr. Edward Snyder.

The agenda followed the notice as filed in the office of the Secretary of State (attached) and by proper motion and vote the following actions were taken:

- Appeal No. 314 - received report - agreed to continue;
- " " 417 - " " " " " " ;
- " " 445 - same as above;
- Appeals Nos. 447 and 452 - received report - hearing date to be scheduled;
- Appeal No. 457 - received report - hearing to be scheduled;
- " "461 - received consent order, order entered, case dismissed;
- " " 464 - consent order to be presented to the Board in two weeks;
- " " 466 - Board agreed to hear status report in 30 days;
- " " 305 - " " to continue - set for April 1992;
- " " 446 - " " " " - consent order to be ready
in January 1992; and

Appeals 479, 462 & 475 - by agreement of the parties were continued. (See transcript in file in Charleston Sanitary Board). Appeals Nos. 458 and 459 were also continued.

The Board then heard the Jefferson County Solid Waste Authority Appeal No. 490 - for further information, see transcript in file.

Next meeting of the Board is scheduled for November 18, 1991.

Note: The Board also agreed to hire Lowell D. Greenwood to assist in getting the groundwater rules, lab certification rules, NPDES and UIC rules out along with other administrative functions. Also discussed was the pending pay raise for yours truly as nothing had taken place since May.

Attachment - notice and
attendee list



STATE WATER RESOURCES BOARD

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

FILED

1991 OCT -3 AM 10:03
October 2, 1991

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The Honorable Ken Echler
Secretary of State
Main Capitol Building
Charleston, West Virginia 25305

Re: Notice of hearings/meetings

Dear Mr. Secretary:

Pursuant to Chapter 6, Article 9A 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 in conference room located at 1260 Greenbrier Street, Charleston, West Virginia at 9:00 A.M. on the dates listed below with the following agenda:

October 16, 1991

- Status report/consent order/dismissal order in the following:
- Appeal No. 305 - Union Carbide (Sistersville);
- " " 314 - Quaker State (Newell Plant);
- " " 417 - Friends of Sleepy Creek;
- " " 445 - Charleston Sanitary Board;
- " " 446 - AIRCO;
- " " 447 & 452 - C. W. Bentley;
- " " 457 - Hubert McKinney Re: Hylton Subdivision;
- " " 461 - Ralph Wallace;
- " " 464 - Cabot Corporation;
- " " 466 - D & R Distributors; and
- " " 479 - Dutch Pantry, Inc.

9:45 A.M. - Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeal No. 490 - Jefferson County Solid Waste Authority, Appellant vs. J. Edward Hamrick III, Director, Division of Natural Resources and G. Max Robertson, Chief, Waste Management Section, Division of Natural Resources, Appellees;

"An independent Board dedicated to the protection of West Virginia waters and to the fair adjudication of environmental disputes"

BOARD MEMBERS

Charles R. Jenkins, Ph.D.
Sarah Lee Neal
David E. Samuel, Ph.D.
Edward M. Snyder, Ph.D.
Donald C. Tarter, Ph.D.

STAFF

| | |
|---------------------|----------------------|
| Executive Secretary | Frances E. Hunter |
| Technical Advisor | Jan R. Taylor, Ph.D. |
| Legal Advisor | Lowell D. Greenwood |

The Honorable Ben Hechler
October 2, 1991

NOON - 1:30 P.M. - LUNCH

1:30 P.M. - Continuation of above Appeal No. 490; and

- Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeals Nos. 462 and *475 - West Virginia Mountain Stream Monitors, Inc. (*and Living Streams Project), Appellants, vs. J. Edward Hamrick, III, Director, Division of Natural Resources, Appellee;
- Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeals Nos. 458 & 459 - Don's Disposal, Inc., Appellant vs. William j. Whisnand, Assessment Officer and J. Edward Hamrick, III, Director, Division of Natural Resources, Appellees; and
- Other business which may properly come before the Board.

November 18, 1991

9:00 A.M. - Status report/consent order/dismissal order in the following:

- Appeal No. 482 - Hollen G. Smith;
- " " 483 - Jeff Assif;
- " " 484 - Clarence Bumgardner;
- " " 485 - Transdistribution WV Inc.
- " " 486 - Appalachian Mining, Inc.;
- " " 488 - Hercil H. Garten & Roscoe Adkins;

9:45 A.M. - Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeal No. 393 -Homeplace, Inc., Save Our Mountains, Inc., James Probst, John Salstrom, Ric McDowell, Jane Burns, Bonnie Burns and Bobby Burns, Appellants, v. Director, Department of Natural Resources, Appellee and Black Gold of West Virginia, Inc., and Mt. Black Diamond, Intervenor/Appellee;

NOON - 1:30 P.M. - Resume above hearing;

- Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeal No. 418 - Nathaniel Hendricks, Appellant vs. State Department of Natural Resources, Appellee;

The Honorable Ker Hedler
October 2, 1991

- Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeal No. 453 - Brentwood Home Owners Association, Appellant vs. Department of Natural Resources, Appellee;
- Evidentiary hearing and all matters, motions, consent orders or other pleadings in connection with Appeals Nos. 465 & 470 - Morgan County Solid Waste Authority, Appellant vs. J. Edward Hamrick, III, Director, Division of Natural Resources; and

- Other business which may properly come before the Board. The above meetings/hearings 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

Attendee List
 WRB Hearing / Meeting
 October 16, 1991

Name Organization

| | |
|-------------------|--|
| VIRGIL FALLDON | FRIENDS OF SLEEPY CREEK |
| HUBERT McTINNEY | HUTTON 546 Dr. - |
| Susan K. Coghill | Atty Gen's Office (DNR) |
| Ailyn Turner | Chas. Santay Bd. (Epilham, Thomas et al) |
| David Yousy | Robinson & McElwee |
| Shirley [unclear] | AG's Office |
| W. H. HILL | AG'S OFFICE |
| Kate Chalmers | Jeff Gouty SWA |
| Ben Fancher | Perdue Inc. |
| William J. Walker | DC SWA. |
| James R. Burrows | Landfill Neighbor |
| Lyle C. Zell | Neighbor to landfill |
| Steve Blotz | Jefferson County S.W.A. |
| David L. Zell | live next to Landfill |
| Mickie Waters | JEFF. COUNTY SWA |
| Greg Tieman | Malcolm Pirnie, Inc. |
| Barbara Little | Jackson & Kelly |
| Larry Belmonte | Office of Environmental Enforcement |
| Anne [unclear] | DNR - Criminal Enforcement Unit |
| J. F. Macowski | U.S. Fish and Wildlife Service |

46 / 53