

MINUTES BOARD HEARING/MEETING  
MARCH 23, 1992

The Board met on the above date at 9:00 A.M. with the following members present: Dr. Charles R. Jenkins (acting chairman), Dr. Donald C. Tarter and Dr. Edward M. Snyder - absent - Sarah Lee Neal and Dr. David Samuel. By proper motion and vote the following actions were taken (as listed on the attached hearing notice):

- Appeal No. 495 - entered Order withdrawing appeal;
- Appeal No. 453 - agreed to have counsel for Appellee write letter to Appellant - appeal will be withdrawn;
- Appeal No. 479 - Order to be drafted and entered dismissing this appeal without prejudice;
- Appeal No. 417 - continued as Appellants have a federal action pending - state agrees to continuation;
- Appeal No. 485 - - - - Motion withdrawing this appeal was made by Appellant - no objections; order entered;
- Appeals Nos. 505, 506 & 507 - Motion to Intervene granted - Appellant reserves the right to object (he has not seen it yet); Appellant and Appellee agreed to stay to June 30, 1992;
- Appeal No. 499 - continued - dates set for exchange of information, if not exchanged, Board will schedule hearing;
- Appeal No. 494 - continued until after April 6th;
- appeal No. 418 - parties represented to the Board that hearing would not be needed - agreement reached on disposal of paint;
- and will review and discuss changes to the proposed groundwater rules.

For further information see transcript in files.

attachment - notice of hearing  
attendee list



# STATE WATER RESOURCES BOARD

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

March 2, 1992

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

Re: Notice of Hearing/Meeting

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 9:00 A.M. March 23, 1992 in conference room located at 1260 Greenbrier Street, Charleston, WV with agenda as follows:

9:00 A.M. - Enter agreed to Consent Orders and/or Dismissal Orders in the following:

- Appeal No. 495 - Wayne County Concerned Citizens, et. al.;
- " " 453 - Brentwood Homeowners (Wm. Chirgwin);
- " " 479 - Dutch Pantry, Inc; and

- Status Report in:

Appeal No. 417 - Friends of Sleepy Creek.

9:15 A.M. - 10:00 A.M. - Continuation of informal public meeting to discuss comments on upcoming groundwater rules;

10:00 A.M. - Hearing on Motion for Stay - Island Creek Coal Company - Appellant, vs. Director, Division of Natural Resources, Appeal Nos. 505, 506 & 507;

11:00 A.M. - Hearing on Motion for Stay - Lackawanna Transport Company - Appeal No. 499;

NOON - 1:15 P.M. - LUNCH

1:15 P.M. - 1:30 P.M. - Hear Motion To Dismiss - Appeal No. 494 - Braxton County Citizens for a Better Environment, et al., Appellants, vs. Division of Natural Resources, J. Edward Hamrick and G. Max Robertson, Waste Management Section;

*"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	<del>xxxxxx</del>
Special Assistant	<del>xxxxxx</del>
	Lowell D. Greenwood

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1:30 P. M. - Continuation of hearing Appeal No. 418 - Nathaniel  
Hendricks, Appellant v. Division of Natural Resources,  
Appellee; and

- Other business that may properly come before the Board.

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

Sincerely yours,



Frances E. Hunter  
Executive Secretary

c. Capitol News Media

WRB Hearing / Meeting  
March 23, 1992

<u>Name</u>	<u>Organization</u>
Robert D. Pollitt	W.Va. Atty Gen.
Dave Yousry	Polina E. McEwee
Gary W. George	Attorney
DAVE WATKINS	WV DNR
Patrick Campbell	DNR-WRS
	AG
Ben Greene	WV MRA
Gary A. Tack	Hon Power
Tim Mallon	APPRAISER POWA.
Cindy Rank	WV Highlands Conservancy
John M. Egan	WV Highlands Conservancy
Howdy Hemetz	Sweet Springs Valley Water Co.
Ken Palitan	WUDEP
Jay Lazell	Atty Gen's Off
Wm Hill	"
Robert Bumpen	Wetzel County Citizen
Nelen Kee Burgess	Wetzel County Citizen
Alan Stern	"
Pat Morano	Wetzel Co. Sheriff
Bill Fox	"
MICHAEL C. FARBER	Attorney 291 2ND STREET SOUTH Bartons County Citizen / Better Env.
Orden J. Curry	Attorney - Central W.Va. Refugee
Shirley Skaggs	AG's Office
David G. Howler	Not Hendricks
Nathaniel Hendricks	Self
Carrill Gatten	WVDNR
Joe Jett	WV DNR
Kevin Campbell	WV DNR
Dale Table	WV DNR
Martha Barber	WV DNR