

BOARD MINUTES

July 8, 1992

The Water Resources Board met at 9:00 A.M. in the Air Pollution Control Hearing Room located at 1558 Washington Street, East, with the following members present: Dr. David E. Samuel, Chairman, Sarah Lee Neal and Dr. Edward Snyder. Absent: Dr. Charles R. Jenkins and Dr. Donald C. Tarter.

The Board heard testimony in Appeal No. 494 - Braxton County Citizens for a Better Environment which was continued from June 26, 1992. For further information see transcript in file.

Under other business, by proper motion and vote the Board ruled in the Jefferson County Solid Waste Authority's Appeal No. 490. The decision of the members was unanimous (through telephone communication on this day, Dr. Donald C. Tarter also agreed with with the ruling). An Order, Rationale of Decision and response to the parties proposed Findings of Fact and Conclusions of Law will be prepared and entered reflecting this ruling. A press release also will be prepared.

A decision was also reached in the Consolidated Appeals Nos. 471 and 472 - LCS Services, Inc., and Berkeley County Solid Waste Authority - the same documents.

Also discussed was whether or not an attorney would be hired to work with the Board - and when.

Appeal No. 494 was continued into July 9, 1992.

attachments - Attendee list
c Tr June 26, 1992 p. 245

BEFORE THE STATE WATER RESOURCES BOARD

AT CHARLESTON

BRAXTON COUNTY CITIZENS FOR)	
A BETTER ENVIRONMENT, et al.,)	
)	
Appellants,)	
)	
v)	APPEAL NO. 494
)	
DIVISION OF NATURAL RESOURCES,)	
J. EDWARD HAMRICK, and G. MAX)	
ROBERTSON, WASTE MANAGEMENT)	
SECTION,)	
)	
Appellees,)	
)	
and)	
)	
CENTRAL WEST VIRGINIA REFUSE,)	
INCORPORATED,)	
)	
Intervenor.)	

Transcript of proceedings had on the
 26th day of June, 1992, at the State Capitol Complex,
 Building 7, Conference Room B, 1900 Kanawha Boulevard, East,
 Charleston, West Virginia, commencing at 8:30 a.m..

BEFORE: DR. DAVID E. SAMUEL, Chairman
 MS. SARAH LEE NEAL, Member
 DR. EDWARD M. SNYDER, Member

JANET T. SURFACE
 COURT REPORTER
 ROUTE 2, BOX 9
 ALUM CREEK, WEST VIRGINIA 25003-9601
 PHONES: (304) 756-3302 OR 756-3611

DATE: 7/14/92
 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

CHAIRMAN SAMUEL: No. That's fine. I just-- My reason for wanting to try to hang in here another hour was just to make sure we'd get done on the 9th. And it sounds to me like you are going to try to do that. And, so, if that's the case, we could go home today. And that's fine with me.

MR. FARBER: It sounds good.

MR. CURRY: You know, even on the 8th if you wanted to run a little bit late, if it looks like we can get in the time lines, we can do that.

CHAIRMAN SAMUEL: That would be fine with me also. Why don't we aim in that direction? And, Fran, if we get on the 8th and it looks like we're still going to have problems on the 9th, we'll just run late on the 8th.

Let's adjourn and do that. We'll meet back here--

MS. HUNTER: No. We'll meet at the Air Pollution Control conference room on the 8th.

CHAIRMAN SAMUEL: Oh, we're going to meet at the Air Pollution Control conference room, which is up the street here (indicating). It makes parking a lot easier.

Mike, if your people are going to be there, you might want to explain to them. If you all would call Fran, she can tell you exactly where it is.

JANET T. SURFACE

COURT REPORTER

ROUTE 2, BOX 9

ALUM CREEK, WEST VIRGINIA 25003-9601

PHONES: (304) 756-3302 OR 756-3611

Continuation of Hearing - Appeal
No. 494
Attendee List
July 8, 1992

<u>Name</u>	<u>Organization</u>
MICHAEL C. FARBER	BCCBE
Ashok M. Sanghavi	S & S Engineers, Inc. / WWR
Shirley Shroyer	AGE of
Ron Dickman	GRDC
Fred Harrison Jr	GRDC
Arden J. Curry	Cent. W. Va. - Attorney
C. K. MEADOWS II	CENTRAL REFUSE
Aharon S. Shultz	WVDEP Solid Waste
Kyle Spencer	" " "
Tom Marsani	WVDEP Solid Waste
Maria Fitzroy	AG
Rod Jackson	DiTropano & Jackson



STATE WATER RESOURCES BOARD

~~1260 Greenbrier Street~~ 1615 Washington Street, East
Charleston, WV 25311
(304) 348-4002

May 26, 1992

The Honorable Ken Hechler
Secretary of State
State Capitol Complex
Charleston, West Virginia 25305

Re: Notice of Hearings/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. on the following dates and locations:

June 2, 1992 - Capitol Complex Conference Room A - Bldg. 6

- Status Report - Appeal No. 447 & 4562 - C. W. Bentley, Appellant vs. Director, Division of Natural Resources, Appellee;
- Evidentiary Hearing - Appeal No. 462 - W. Va. Mountain Stream Monitors, Appellants, vs. Director, Division of Natural Resources, Appellee - (this was continued from May 18, 1992);

NOON - 1:30 P.M. - LUNCH

- 1:30 P.M. - Continuation of Appeal Nos. 505, 506 & 507 - Island Creek Coal Company, Appellant vs. Director, Division of Natural Resources, Appellee, and Buckhannon-Tygart River Coalition, Mountaineer Chapter of Trout Unlimited, and The West Virginia Highlands Conservancy, Intervenors (this was continued from March 23, 1992 and May 18, 1992).

June 3, 1992 - Capitol Complex Conference Room B - Bldg. 6

- Continuation of Appeal Nos. 505, 506 & 507; and
- Other business that may properly come before the Board.

June 25 & 26, 1992 - Capitol Complex Conference Room B - Bldg. 6

- Evidentiary hearing 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, 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	JAR R Taylor, Ph.D.
Special Assistant	
Legal Advisor	Lowell D. Greenwood

The Honorable Ken Hechler
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May 26, 1992

- The Board will break for lunch at noon - 1:30 both days.
- Other business that may properly come before the Board.

The above hearings/meetings are open to the public and the conference rooms have a seating capacity of 30 persons.

Sincerely yours,



Frances E. Hunter
Executive Secretary

REGISTER

Date	Name	Address	Company Affiliation
7-8	From Wendor	1615 Wash St E,	WRB
7-8	MICHAEL C. FARBER	201 2ND STREET SUTTON, W.VA.	BOCBE.
	Alsey Chaffield	1615 Wash St E	WRB
	Blair	WRB —	
	A. L. Neal	WRB.	
	Edward M. Hyde	WRB.	
	Deborah Dickson	C.C.R.	
	Ashok Sanghani	WRB	S & S
	Auden J. Curry	P.O. Box 2786 Chas. W. Va. 25330	Att. for Central
	C.K. MEADOWS II	P.O. BOX 10 GASSAWAY	CENTRAL REFUSE

REGISTER

Date	Name	Address	Company Affiliation
7-8	Fred HARRIS	Dutch Del Manhattan N.Y.	GASSAMAY Resources, Inc.
7-8	Ron DITTMAN	600 Stanley Ave. Clarkburg W	GRDC
	A G Hayes	A G office	
	Tom Deibel	WV DEP 1330 HANFORD ST Charleston	WV DEP
	Skip Spencer	"	"
	Sharon & Snodgrass	"	"
	[Signature]	State Capital	A G
	Rod Jackson	604 W. St. E.	Lawyer
	[Signature]	18 Kan Blvd W	"
	Edward [Signature]	"	"