

WATER RESOURCES BOARD MINUTES

September 28, 1992

The Board met at 9:00 A.M. in hearing room located at 1615 Washington Street, East, Charleston, WV. By proper motion and vote the following actions were taken after admission of Mr. Steve Van Camp for Pro Hac Vice:

- Appeal No. 360 - received status report - Consent Order forthcoming by 11-6-92;
- Appeal No. 417 - Friends of Sleepy Creek - counsel for State has filed a Motion To Dismiss - put on agenda for 11-6-92;
- Appeal No. 463 - as a settlement in this case has been reached in the Kanawha County Circuit Court - continued until 11-6-92 - may be dismissed then;
- Appeal No. 466 - State reported to Board this needs to be heard;
- Appeal No. 478 - Status report received - order of dismissal to follow;
- Appeal No. 487 - Big Sandy PSD objected to installation of flow meter - report back to Board 11-6-92;
- Appeal No. 489 - continued to 11-6-92;
- Appeal No. 500 - Waste Removal, Inc. - should be withdrawn by Appellant as issues resolved - put on agenda for 11-6-92;
- Appeal No. 518 - State filed a motion to dismiss - has not been received by Board - put on agenda for 11-6-92.
- had requests by telephone to continue the motions in Appeal No. 501 - Beaumont Glass and Appeal No. 523 (also request for Stay) until the 11-6-92 meeting. The Board agreed that these would be continued until that date.
- Appeal Nos. ⁵²⁷527, ⁵²⁸528 & ⁵²⁹529 - Stay denied - hearing will be 12-14,15 & 16th - for further info see transcript in file. (these were consolidated)
- Appeal No. 524 - Heard request for stay - Board denied this request - for further info see transcript in file.

Next meeting date to be when parties could be gotten together to finish hearing the Braxton County Case and the Island Creek Appeals Nos. 505, 506 & 507. Board members present: Dr. Samuel (Chairman), Drs. Ed Snyder & Don Tarter - absent Sarah Lee Neal & Dr. Robert Jenkins

Attendee list and copy of notice attached.



DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES

STATE WATER RESOURCES BOARD

1615 Washington Street, East
Charleston, West Virginia 25311-2126

Telephone: (304) 558-4002
FAX No.: (304) 558-0899

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

September 16, 1992

RECEIVED
1992 SEP 16 PM 2:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Re: Change in hearing/meeting date

Dear Mr. Secretary:

This is to advise that the notice of hearing/meeting filed in your office on September 2, 1992 by this Board for a September 18, 1992 date (copy attached) has been rescheduled. The new date is September 28, 1992 and the place of hearing will be in the hearing room located at 1615 Washington Street, East, Charleston, instead of the Government Organization Committee Room.

Changes in the agenda also are as listed below:

- 9:00 A.M. - Receive status reports/consent orders, etc., as previously filed;
- All Motions in Appeal No. 501 - Beaumont Glass;
- Motion for Stay - International Mill Service, Inc.;
- Other business that may properly come before the Board;

NOON - 1:30 P.M. - LUNCH

- 1:30 P. M. - Hear Motion for Stay - J. L. Brannon, Inc.;
- " " to Intervene in Appeals Nos. 527, 528 & 529;
- " " " " - Cat Run Coal Company - Appeal No. 527;
- " " " " - Inter-State Lumber Company - Appeal No. 528;
- and " " " " - Donald Frazee - Appeal No. 529.

The above hearings/meetings are open to the public and the hearing room has a seating capacity of 20 persons.

Sincerely yours,

Frances E. Hunter
Frances E. Hunter
Executive Secretary

c Capitol News Media

"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 Elizabeth M. Chatfield
Legal Advisor



STATE WATER RESOURCES BOARD

~~1250 Greenbrier Street~~ 1615 Washington Street, East
Charleston, WV 25311
(304) ~~348-4002xx~~ 558-4002

September 2, 1992

The Honorable Ken Hechler
Secretary of State
State Capitol Complex
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 at 9:00 A.M. September 18, 1992 in the Government Organization Committee Room, Capitol Complex Bldg. # 1 - East Wing - 2nd Floor - Room 215 with agenda as follows:

- Board (Agency) approval of proposed rules to be filed in the Office of the Secretary of State and with the Legislative Rule-making Review Committee as follows:
 1. Proposed Groundwater Quality Standards (Series 12);
 2. " National Pollutant Discharge Elimination System (NPDES) Rules (Series 2); and
 3. Proposed Underground Injection Control (UIC) Rules. (Series 9)
- Receive status reports/consent orders/dismissal orders in the following:

<u>Appeal No.</u>	<u>Entitled</u>
360	John H. Schmidt III;
417	Friends of Sleepy Creek;
463	Marion County Solid Waste Authority;
466	D & R Distributors;
478	Phoenix Refining Company;
487	Big Sandy PSD;
489	Francis O'Day Co.;
500	Waste Removal, Inc.; and
518	Centre Foundry and Machine Co.

- All Motions only in Appeal No. 501 - Beaumont Glass;
- Request For Stay in the following:
- J. L. Brannon, Inc. vs. G. Maxwell Robertson, Chief, Office of Waste Management, Division of Environmental Protection;

NOON - 1:30 - LUNCH

RECEIVED
1992 SEP - 2 PM 3:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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STAFF

Executive Secretary Frances E. Hunter
Libby M. Chatfield
Technical Advisor ~~XXXXXXXXXXXX~~
Legal Advisor ~~XXXXXXXXXXXX~~

The Honorable Ken Hechler
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September 2, 1992

- Continuance of Request for Stay - J. L. Brannon, Inc. - Appeal No. 524;
- Hear Request for Stay - International Mill Service, Inc., Appellant vs. Chief, Division of Water Resources, State Department of Natural Resources, Appellee - Appeal No. 523;
- Request for Stay - Cat Run Coal Company, Appellant, vs. Chief, Office of Water Resources, State Division of Environmental Protection, Appellee, Appeal No. 527;
- Hear Request For Stay - Inter-state Lumber Company, Inc., Appellant vs. Chief, Office of Water Resources, Division of Environmental Protection of Commerce, Labor & Environmental Resources - Appeal No. 528; and
- Other business that may properly come before the Board.

The above hearing/meeting is open to the public and the hearing room has a seating capacity of 30 persons.

Sincerely yours,



Frances E. Hunter
Executive Secretary

c Capitol News Media

Attendee List

Sept 28, 1992

WRB Hearing/Meeting

- JAMES D. KAUFFELT - BIG SANDY SEWER PSD
- Dave Yaussy - Robinson & McElwee
- Mary Rudolph - WVAG
- Stephen R. Van Camp - WVAG
- David L. Lahr - WVAG, ~~WRB~~
- Ken Politan - WV DEP
- DAVE CALLAGHAN - W.V. DEP.**
- Wm Hill - WV AG
- Ann A. Spaner - Dep. Dir. + Special Asst. AG.
- James T. Dailey, Jr - Dailey & Miller
- Lawrence S. Miller Jr - " "
- Greg Henger - WV DEP
- Heslie J. Mullins - WV DEP Waste Management
- R. Wayne Wilson - WV DEP Waste Mgmt. LIST
- DAVID LONG - " " "
- K.O. Damon - WV Mining & Reclamation Assoc
- MARCP. TURGEON - Atty for J.C. Brannon Inc.
- John L. Brannon - Brannon Oil
- JOHN T. MIESNER - Hoyer, Hoyer and Smith
- Patrick Pearlman - Jackson & Kelly
- NEIL PLEASANTS - A/R Coal
- El McCoy - WV DEP West Resources
- Martha Bryson Hodel - Associated Press
- Tom Robb - Morgantown