

MINUTES
State Water Resources Board
October 1, 1993

The Water Resources Board met on the above date at 8:30 a.m. in conference room located at 1615 Washington Street, East, Charleston, WV, with members present as follows: Chairman Dr. David Samuel
Members - Sarah Lee Neal
Dr. Donald C. Tarter
Dr. Charles R. Jenkins
Dr. Edward M. Snyder

Also present were the Board's legal counsel, Britt Bernheim, technical advisor, Libby Chatfield, and Fran Hunter, Secretary.

DOCUMENTS PRESENTED TO MEMBERS:

1. Minutes of previous meeting;
2. Central WV Refuse's appeal to Kanawha County Circuit Court;
3. Appeal docket update;
4. Draft final order Beaumont Glass Appeal Nos. 501 & 513; and
5. Draft final order D & R Distributors.

DISCUSSION

Chairman Samuel brought up the preliminary performance review audit conducted by the Legislative Post Audit Division. Two items in particular were discussed - the comments on ORSANCO and the Interstate Commission on the Potomac River Basin as it relates to the Board's involvement thereof and the appeals pending and resolved before the Board. After general discussion, Libby is to research the laws and see if the Board does have responsibilities in these areas, and Fran is to review the appeal docket and report back to the Board at the November meeting. Libby is also to respond to the EPA "deficiency" letter that the "Board is moving ahead." Libby advised the Board that she is scheduling a series of meetings with the Office of Water Resources staff (permit writers) on the EPA areas of concern.

Britt Bernheim updated the Board on the Braxton County landfill decision that was appealed to Circuit Court, the Orders in Cat Run, D & R, Beaumont Glass and advised the Board that Thompson Oil and Black

Bear Woods would not be heard due to settlement negotiations resulting in consent orders to be received this day or very soon thereafter and that counsel for the Mary Woodall/Link Land appeal had requested a continuance.

By proper motion and vote the Board:

- approved the previous minutes;
- approved the Final Order in D & R Distributors;
- approved with minor changes the Beaumont Glass Final Order; and
- approved generally Cat Run's Order.

APPEALS

At 9:00 a.m. the Board received the following status reports:

- Columbia Gas - a formal withdrawal will be submitted by 12-3-93 or sooner;

- City of Wellsburg - another status conference to be heard 12-3-93;

- South Charleston Sanitary Board - may be resolved by 11-5-93, parties are to report back to Board then; and

- Mary Woodall/Link Land Development - this appeal has been continued several times, and after hearing the status report from the parties, the Board unanimously agreed to hear the appeal on its merits 12-3-93.

The Board then proceeded with the evidentiary hearing in the J. L. Brannon appeal. After the taking of evidence a timetable was established for the filing of briefs.

Due to a previous commitment Chairman Samuel departed for Morgantown at 3:50 p.m. and the hearing concluded approximately 4:15 p.m. Next scheduled meeting day is 11-5-93.

attachments - notice of hearing
 agenda
 attende list

Minutes
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I hereby certify that the foregoing is a true and correct record of the proceedings of the October 1, 1993 meeting and hearings of the State Water Resources Board.

Submitted this _____ day of November, 1993.



Frances E. Hunter



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 13, 1993

The Honorable Ken Hechler
Secretary of State
Building 1, Room 157K
Charleston, West Virginia 25305

RE: **Notice of Meeting**

Dear Mr. Secretary:

In accordance with chapter 6, article 9A of the West Virginia Code, you are hereby notified that the Water Resources Board will meet at 9:00 a.m. on October 1, 1993, in the hearing room located at 1615 Washington Street East, in Charleston, West Virginia. The Water Resources Board will consider the following agenda:

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
Sep 13 11 26 AM '93
FILED

I. Motions Docket

Appeal No. 536 Thompson Oil Co. v. Chief, Office of Waste Management, Division of Environmental Protection. (Motion to Dismiss).

II. Status Reports

Appeal No. 503 Columbia Gas Transmission Corp. v. Chief, Office of Water Resources, Division of Environmental Protection.

Appeal No. 517 City of Wellsburg v. Chief, Office of Water Resources, Division of Environmental Protection.

Appeal No. 520 South Charleston Sanitary Board v. Chief, Office of Water Resources, Division of Environmental Protection.

"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

III. Hearings Docket

Appeal No. 508 Mary Woodall & Link Land Development v. Chief, Office of Water Resources, Division of Environmental Protection.

Appeal No. 524 J. L. Brannon, Inc. v. Chief, Office of Waste Management, Division of Environmental Protection.

Appeal No. 526 Black Bear Woods, Inc. v. Chief, Office of Water Resources, Division of Environmental Protection.

IV. Other Business

The Water Resources Board shall consider such other business as it may deem timely and appropriate.

The Water Resources Board meeting is open to the public and the hearing room has a seating capacity of approximately 20 people.

Very truly yours,



Frances E. Hunter
Executive Secretary



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
WATER RESOURCES BOARD

1615 Washington Street, East Suite 301
Charleston, West Virginia 25311

Telephone: (304) 558-4002
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A G E N D A

WEST VIRGINIA WATER RESOURCES BOARD

October 1, 1993

- I. 8:30 a.m. Closed Session
1. Distribution of Materials
 2. Discussion Items:
 - a. Agenda of Open Meeting
 - b. Appeal of Braxton County Decision to Circuit Court
 - c. Final Order in D & R
 - d. Final Order in Beaumont Glass
 - e. Interlocutory Order in Cat Run
- II. 9:00 a.m. Open Meeting
1. Changes in Agenda/Order of Procedure
 - a. Withdrawal of Thompson Oil
 - b. Status Reports:
 - Columbia Gas
 - City of Wellsburg
 - South Charleston Sanitary Board
 - Mary Woodall & Link Land Development
(change from hearing to status report -
third continuance due to conflict of
appellant's counsel)
 - c. Hearings
 - Black Bear Woods (this may be settled
prior to 9:00 a.m.)
 - J. L. Brannon
- III. Continuation of Closed Session
1. Such other business as the Board deems timely and appropriate.

Attendee List
WRB meeting
9 a.m. October 1, 1993

<u>Name</u>	<u>Organization</u>
PAUL ROGERS	So. Chas. Sanitary Board
CAROLYN ATKINSON	So. Chas. Sanitary Board
DAVE YAUSSY	Robinson & McElwee
Dwain Blake	BLAKE: August Environmental, Inc.
Ted Dolin	" " "
Katy McKay	Law Office of Richard A. Hayhurst
David L. Lahr	AG
R. Wayne Wilson	WUDEP
Greg Henger	WUDEP
Gil Sartin	WUDEP
DAVID LONK	WUDEP
Tim Carter	WASTE-TRON
Ashok M. Sanghavi	S&S Engineers, Inc/Prannon
Jay Potts	
Arden J. Curry	Pauley Curry Sturgeon & Vandevord
<i>Shirley Stagg</i>	<i>AG's</i>