

Minutes
State Water Resources Board
November 5, 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, West Virginia, with the following members present:

Dr. Charles R. Jenkins (Acting Chairman)
Sarah Lee Neal
Dr. Donald C. Tarter
Dr. Edward M. Snyder

absent: Dr. David E. Samuel

The Board's legal counsel, Britt Bernheim and Fran Hunter, Secretary were also present (technical advisor, Libby Chatfield joined us at 10:30 a.m.).

DOCUMENTS PRESENTED TO BOARD

1. Minutes of previous meeting;
2. Copy of John C. Allen Appeal No. 560 & Motion To Stay;
3. Copy of Rich Herd's letter w/attachments re: EPA Aquatic Life Criteria for Metals;
4. Appellee Chief's reply Memorandum In Opposition To Cat Run's Reply Regarding Cat Run's Motion To Vacate Appeal 527;
5. Copy of D & R Distributor's appeal of Board decision filed in Preston County Circuit Court;
6. Copy of denial letter from DNR dated 10-25-91 to Valero Terrestrial (this was appeal no. 498);
7. Consent Order entered by Board in appeal nos. 498 & 499 dated 4-15-92;
8. Copy of Chapter 20-5F (4);
9. Witness lists from all the parties in appeal nos. 540, 541 & 542; and
10. Motion To Quash Subpoenas from DEP issued to David Callaghan and Max Robertson.

DISCUSSION

During an executive session of the Board and by unanimous vote of those members present, the Board decided to grant Appellee's Motion To Quash the subpoenas issued to Director Callaghan and Max Robertson.

APPEALS

Evidentiary hearing in consolidated appeal nos. 540, 541 and 542 was then heard before the Board until 4:10 p.m. The hearing on these appeals will resume at 9:00 a.m. December 3, 1993.

attachments - notice of hearing
attendee list

I hereby certify that the foregoing is a true and correct record of the proceedings of the November 5, 1993 meeting and hearings of the State Water Resources Board.

Submitted this 3rd day of December, 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

October 19, 1993

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

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

Re: Notice of Hearing/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 November 5, 1993, in the hearing room located at 1615 Washington Street, East, Charleston, West Virginia. The following agenda will be considered:

Hearings Docket

Consolidated Appeal
Nos. 540, 541 & 542 - Concerned Citizens of Brooke County, Brooke County Solid Waste Authority and Wetzel County Solid Waste Authority, Appellants, v. Chief, Office of Waste Management, Division of Environmental Protection, Appellees, and Valero Terrestrial Corporation and Lackawanna Transport Company, Intervenors; and

Other Business

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

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

Sincerely yours,

Frances E. Hunter
Frances E. Hunter
Executive Secretary

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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"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 Britt A. Bernhelm