

MINUTES
WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
September 21, 1994

I. General

The West Virginia Environmental Quality Board (the "Board") met on September 21, 1994, at 9:00 am. the meeting was held in the conference room at the Environmental Quality Board ("EQB") located at 1615 Washington Street, East, in Charleston, West Virginia. Chairperson Charles R. Jenkins called the meeting to order. Board members present at the meeting included:

Dr. Charles R. Jenkins, Chairperson
Dr. David E. Samuel
Dr. Edward M. Snyder
Sarah Lee Neal

II. Board Meeting

A. Organizational Meeting

Procedural Rules -

Procedural Rules to Secretary of State's Office. The Board requests written comments and by amending the rules will submit them without a public meeting.

Landfill Closure Appeals - Dismissal for lack of Jurisdiction

The board voted unanimously to dismiss Appeal Nos. 590, 592, 597 and 598, due to lack of jurisdiction by the Board.

Final Order in Busch, Appeal No. 568

Busch, Inc. v. Office of Waste Management, Appeal No. 568. The Board voted to affirm the State's Order and there was no objection to the Finding of Fact and Conclusion of Law. Chairperson Jenkins would like to see a final order. Since there is no public water supply, the Board felt that an alternative water well would be best, since the site will always have some contaminates.

Scheduling Pulp Mill Appeals

Pre-hearing conference for the pulp mill appeals was discussed for Ohio Valley Coalition and Affiliated Construction Trades Foundation. Status conference was held on September 30, 1994.

Organizational Scheme of Boards

The Board discussed the organizational scheme of the Boards, via David Callaghan/Bureau of Environment/Governor Caperton. Copies of Governor Caperton's Executive Order were given to Board members. The Board discussed who has jurisdiction over the Board and would the Supreme Court have any jurisdiction over them. Margaret Chico-Eddy informed the Board that the Supreme Court has no jurisdiction over the Board and the Court does not function in that manner over Boards other than their own.

Salaries

The Board made salary adjustments and recommendations for employees of the Environmental Quality Board.

EPA on Remining

Libby Chatfield spoke with the Board on remining. The Board was concerned with approaching the Legislative Rule Making Committee. Who is to approach the Committee EPA, DEP or Libby and would the Legislature delegate the authority of remining.

International Mill- Appeal No. 523

Libby Chatfield spoke to the Board pertaining to Appeal No. 523. Technical advisor informed the Board of weep holes in a retaining wall that discharges water into ditches and pumped back into slag on the site. International Mill has requested a renewal of their permit, and the Office of Water resources has issued the permit. Technical advisor's concerns were that the ditches and landfill are not lined as to protect leaks into groundwater.

1. Chairperson Jenkins wants discharge into ditches on the site monitored by measuring the flow through the weep holes.
2. Board Member Snyder concerns were on ditch accumulation and pond storage.
3. Board is interested in a ground water study, which is a point source.
4. The Board voted unanimously to uphold the permit.

Dismissal of Go-Mart Appeal No. 589

Legal Counsel will prepare a brief summary for the Board's review. Discussion by the Board on Appeal No. 589 was who pays to find out where the contamination is coming from, Go-Mart or the State?

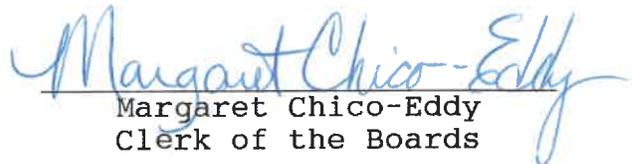
Meeting Dates

The Board scheduled meeting dates for the remainder of the year, the dates are as follows:

1. October 20-21, 1994
2. November 17-18, 1994
3. December 2, 1994

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on September 21, 1994, by the West Virginia Environmental Quality Board.

Submitted this 19th day of October, 1994.


Margaret Chico-Eddy
Clerk of the Boards