



ENVIRONMENTAL QUALITY BOARD

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Gaston Caperton
Governor

Charles R. Jenkins
Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
November 18, 1994

I. General

The West Virginia Environmental Quality Board (the "Board") met on November 18, 1994, at 9:00 am. The meeting was held in the conference room located at 1615 Washington Street, East, in Charleston, West Virginia. Chairman Charles R. Jenkins called the meeting to order. Board members present at the meeting included:

Dr. Charles R. Jenkins, Chairman
Dr. Donald Tarter
Dr. David Samuel
Sarah Lee Neal

II. Board Meeting

A. Proposed Final Orders

1. Brooke County Citizens, Appeal Nos. 540, 541, & 542

After a discussion of the case, the Board voted unanimously to approve the final Order proposed by Legal Counsel.

2. Elk-Pinch PSD, Appeal No. 574

After a discussion of the case, the Board voted unanimously to approve the final Order proposed by Legal Counsel.

3. Affiliated Construction Trades Foundation, Appeal No. 546

After a discussion of the case, the Board voted unanimously to approve the final Order proposed by Legal Counsel.

4. Union Carbide, Appeal No. 421

The Board voted to enforce TSS provisions in the permit issued to Union Carbide. Legal Counsel Britt Bernheim was given the authority by the Board to draft an Order incorporating the Board's decision and resolving the appeal.

5. International Mill Service, Appeal No. 523

The Board voted unanimously to approve the final Order drafted by Technical Advisor Libby Chatfield, who had counseled the Board in the matter during the pendency of the appeal.

6. Apple Grove, Appeal No. 591B, 594, and 595B

The evidentiary hearing scheduled for this date was continued to a future date, to be determined by the Board.

B. Legislature Rule Making Review Committee

The Board discussed changes made in Section 7.2.a.B, of the WQS by the Legislative Rule-Making Committee during the November 14 meeting. Jerry Ray from the Office of Water Resources came and spoke with the Board about the proposed language.

The Board agreed to draft a statement to the Legislature, showing their concerns pertaining to this amendment and describing some of the existing problems in these five mile zones. The Board discussed drafting new language and offering an alternative amendment, as well as including the Department of Health in this endeavor.

C. Dioxin body burden value

The Board discussed with Libby Chatfield the fact that the body burden value for dioxin is not consistent with the dioxin standard adopted by the Legislature in 1991. The Board members agreed that the existing value of 6.4 pg/g should be amended to value consistent with the numeric dioxin standard of .013 pg/L. The Board agreed to propose an appropriate value at the Legislative Rule-Making Review Committee meeting in December, but not to propose it as an emergency rule.

D. 7 Q 10

A change is needed in the water quality standards to reflect the recommendation by the Governor's Study Group to retain 7 Q 10 as the critical design flow for all parameters. The Board voted unanimously to defer this task to the Legislature in the 1995 session.

E. Antidegradation Implementation Policy

An update was given to the Board by Technical Advisor Libby Chatfield, on the ongoing efforts with Office of Water Resources on developing this policy.

F. Scheduling Meetings in 1995

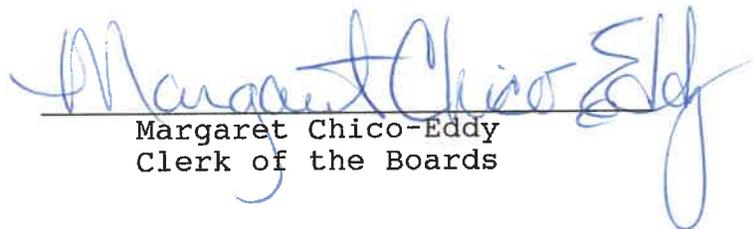
A discussion by the Board lead to a February 10, 1995, meeting date.

G. Meeting Agenda

The Board was given a tentative agenda by Legal Counsel Britt Bernheim, for the December 2, 1994 meeting.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on November 18, 1994, by the West Virginia Environmental Quality Board.

Submitted this 2nd day of December, 1994.


Margaret Chico-Eddy
Clerk of the Boards