



ENVIRONMENTAL QUALITY BOARD

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Gaston Caperton
Governor

Charles R. Jenkins
Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD December 2, 1994

I. General

The West Virginia Environmental Quality Board (the "Board") met on December 2, 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
Dr. Edward Snyder
Sarah Lee Neal

II. Board Meeting

A. Appeals

1. T&T Fuels, Inc., Appeal No. 584

Arguments on a Motion to Continue were presented to the Board by attorney's for T&T Fuels, Inc. and the State. Attorney's asked that the Board continue this matter until their next meeting. The Board voted to grant their Motion to Continue, until their meeting on February 10, 1995, at which time plans must be completed by both parties.

2. Thompson Oil Company, Inc., Appeal No. 578

Status report was presented to the Board. The Board decided that the parties involved should present them with a settlement in this case and a summary of the dye-trace study when the Board meets on February 10, 1995.

3. Valero Terrestrial Corporation & Lackawanna Transport Company, Appeal No. 567

An evidentiary hearing was held on December 2, 1994, in appeal no. 567, Valero Terrestrial Corporation and Lackawanna Transport Company v. West Virginia Division of Environmental Protection. The Board recessed and the parties reached a settlement and will submit a proposed order forthwith.

4. Hilvers/WV Oil & Natural Gas Assn., Appeal Nos. 575, 576

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

B. Rulemaking

1. Five Mile Rule

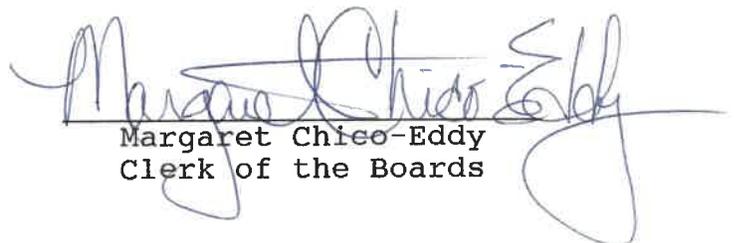
The Board discussed the compromise language proposed by West Virginia Manufacturers on the five mile rule and spoke with Bob Foster from that group. Discussed and approved Libby Chatfield's draft letter to Legislative Rule-Making Review Committee requesting removal of the five mile rule amendment to the Water Quality Standards proposed by that committee in November.

2. Dioxin Body Burden

Libby Chatfield provided progress report on the dioxin body burden criteria, which included a discussion of the equation used to calculate the value included in the Water Quality Standards. She agreed to continue to research this issue and seek information from EPA.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on December 2, 1994, by the West Virginia Environmental Quality Board.

Submitted this BH day of March, 1995.


Margaret Chico-Eddy
Clerk of the Boards