



ENVIRONMENTAL QUALITY BOARD

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Gaston Caperton
Governor

Charles R. Jenkins
Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD March 23 & 24, 1995

I. General

The West Virginia Environmental Quality Board (the "Board") met on March 23 & 24, 1995, 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

II. Board Meeting

A. Appeals

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

Evidentiary hearings were held on March 23 & 24, 1995, in appeal no. 584, T&T Fuels, Inc. V. Division of Environmental Protection, Office of Water Resources, Mark A. Scott, Chief. The Board denied the Appellant's Motion to Dismiss. Appellant's counsel requested that the Board issue a certified question to the Circuit Court, and the Board denied the request.

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

Status report was presented to the Board on March 23, 1995. The Appellant presented the results of the dye-trace study. Thompson Oil requests an evidentiary hearing before the Board, for the next available hearing date.

3. Gary Solomon, Appeal No. 596

On March 23, 1995 the State presented it's case to the Board. Gary Solomon was unable to attend the scheduled hearing. After a discussion of the case, the Board voted unanimously to uphold the decision by the State and deny the permit.

4. George R. Hart, Appeal No. 583

An evidentiary hearing was held on March 24, 1995, in appeal no. 583, George R. Hart V. Chief, Office of Water Resources, Division of Environmental Protection. The Board considered, but has not ordered the State to perform periodic inspections of the wastewater treatment system.

B. Certified Files

Problems with certified files were presented to the Board, by Margaret Chico-Eddy. Various problems were relayed to the Board, such as page numbering of certified files by various agencies, law firms not paying for certified files, etc...

C. Scheduling

The Board discussed having prehearing conferences in the following cases PPG Industries, Apple Grove and Rhone-Poulenc & ACT. These prehearing conferences will be completed before the next scheduled meeting in April and evidentiary hearings were discussed for the April meeting.

D. Five Mile Rule

The Board discussed Weirton Steel's request to make a presentation to the Board on the five mile rule at the April board meeting. It was agreed that an open "public meeting" would be held on the evening of April 20, 1995 to provide an opportunity for all interested parties to submit comments on the issue. Chairman Jenkins further suggested, and the other members agreed, that a notice of the meeting should be published in the Charleston Newspapers.

E. Remining Legislation

The technical advisor, Libby Chatfield updated the Board on the passage of the bill providing the Board authority to grant variances from Water Quality Standards to applicants for NPDES remining permits. The bill requires the Board to promulgate procedural rules to establish an application process. Ms. Chatfield agreed to provide the Board a draft of such rule before the next Board meeting.

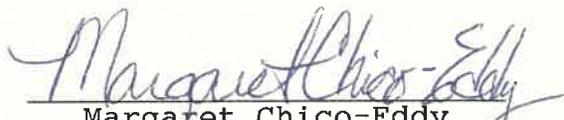
After discussion of passage of the Water Quality Standards in the Legislature, the Chairman moved to make a motion to allow the staff to carry out the final promulgation of the rule as provided in the State Administrative Procedures Act. The motion was passed with all four members present voting in favor.

F. Procedural Rules

Executive Secretary Fran Hunter presented the Board with a draft copy of prcedural rules on Request for Information (Title 48, Series 8 FOIA) for review by the Board.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on March 23 & 24, 1995 by the West Virginia Environmental Quality Board.

Submitted this 10th day of April, 1995.


Margaret Chico-Eddy
Clerk of the Boards