



ENVIRONMENTAL QUALITY BOARD

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Gaston Caperton
Governor

Charles R. Jenkins
Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
April 20 & 21, 1995

I. General

The West Virginia Environmental Quality Board (the "Board") met on April 20 & 21, 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. David Samuel
Dr. Edward Snyder
Sarah Lee Neal

II. Board Meeting

A. Appeals

1. Thompson Oil Company, Appeal No. 578

A settlement agreement was reached by the parties on April 20, 1995 and was presented to the Board.

2. Augustine Peter, Appeal No. 607

An evidentiary hearing was held on April 21, 1995, in appeal no. 607. Augustine Peter V. G. Maxwell Robertson, Chief Office of Waste Management, Division of Environmental Protection. Findings of Fact and Conclusions of Law will be due thirty days after the receipt of the transcript.

3. E.I. duPont de Nemours, Appeal No. 599

A hearing on a Motion for Summary Judgement was heard by the Board on April 21, 1995. The Board will rule on the Motion for Summary Judgement after a conference call on May 2, 1995. The Board set appeal no. 599 for a final hearing on May 15 & 16, 1995. The Board discussed the issues involved in duPont's Summary Judgement Motion.

4. George R. Hart, Appeal No. 583

The Board in a unanimous vote, decided to uphold the State's NPDES permit to MBDH's Rolling Acres. However, the Board decided to order the State to inspect the facility to insure that the system was properly installed and also to make quarterly inspections of the system over the course of one year. The Board also agreed that they should receive and the Appellant should receive written reports on these inspections. Furthermore, the Board orders that Office of Water Resources should respond to any complaints they receive concerning this system.

5. Gary Solomon, Appeal No. 596

The Board read and approved a final order in this appeal.

B. Certified Files

After a problem with a certified record arose during the Augustine Peter hearing the Board took notice of the continuing problems with certified records. The Board will be notifying DEP Director David C. Callaghan about this continuing problem.

C. Scheduling

The Board has scheduled an August 16, 1995, date for oral arguments on a Motion for Summary Judgement in the Apple Grove case, appeal nos. 595B, 594 & 591B.

D. Consolidation Orders

The Board voted to consolidate the following cases:

1. E.I. duPont de Nemours, Appeal No. 599 and Affiliated Construction Trades Foundation, Appeal No. 602
2. PPG Industries, Appeal Nos. 582 and 601
3. Rhone Poulenc, Appeal No. 588 and Affiliated Construction Trades Foundation, Appeal No. 606

E. Five Mile Rule

A public meeting was held to receive comments from the public on the five mile rule. Oral and written comments were received; a transcript of the oral comments will be prepared by Margaret Chico-Eddy, the Clerk of the Boards. The Board discussed scheduling a public hearing in the event that they decide to amend the five mile rule, and decided if possible, to schedule the hearing for June 8, 1995, at 7:00 p.m.

F. Amendments to 46 CSR 6

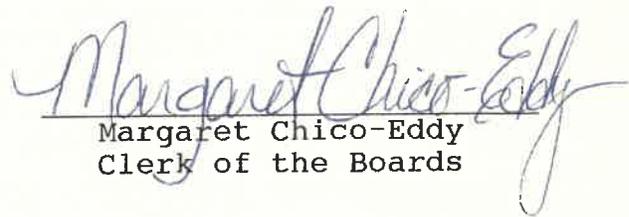
The Board reviewed a draft of the above rule which includes new provisions governing remaining variances. Libby Chatfield agreed to modify the rule as requested during the discussion. The Board agreed to schedule a public hearing on the proposed rule on June 8, 1995, at 7:00 p.m.

G. Other Business

EQB staff discussed several items with the Board in regard to signing orders, giving out addresses and telephone numbers of board members and hiring a new secretary when Frances E. Hunter retires in the fall.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on April 20 & 21, 1995 by the West Virginia Environmental Quality Board.

Submitted this 8th day of May, 1995.


Margaret Chico-Eddy
Clerk of the Boards