



ENVIRONMENTAL QUALITY BOARD

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Charles R. Jenkins
Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD May 15 & 16, 1995

I. General

The West Virginia Environmental Quality Board (the "Board") met on May 15 & 16, 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. Edward Snyder
Dr. Donald Tarter
Sarah Lee Neal

II. Board Meeting

A. Appeals

1. E.I. duPont de Nemours & Affiliated Construction Trade Foundation, Appeal Nos. 599 & 602

Becky Charles discussed the case with the Board, to update them on Motions that have been entered since the Summary Judgement by DuPont. An evidentiary hearing was held in the case to resolve the remaining issues. The Board denied the State's Motion for Summary Judgement. Proposed Findings of Fact and Conclusions of Law are due thirty days after the transcript is completed and an optional five page brief can be submitted by the parties at this time. An Agreed Order is due on June 8, 1995 for issues that were settled prior to the hearing.

2. National Tire Recycling, Appeal No. 604

An Agreed Order was entered prior to hearing and signed by Chairman Jenkins on May 16, 1995. Copies of the signed Order were distributed to the Board members.

B. Certified Files

The Board signed a letter to Director David Callaghan about problems with certified files and rules that have been developed by the Office of Waste Management to resolve many of the problems pertaining to certified files.

C. Rule Making

1. Freedom of Information

Draft of new procedural rule for Freedom of Information were presented to the Board for their approval. The Board voted to approve the new procedural rules, except for one amendment.

2. Hearing Schedule

The Board agreed to reschedule the public hearing on charges to the five mile rule, if needed, for July 18, 1995 at 7:00 p.m. Comments on amendments to two of the Boards procedural rules, 46 CSR 6 and 46 CSR 8 will also be heard at that time.

D. Budget

1. Purchasing

Purchasing of new equipment with remaining money in the Air Quality Board budget was discussed, such as a copy machine, fax machine, computers, etc...

2. Personnel

Job description for a new Secretary was given to the Board for their review to enable them to find a replacement for our outgoing Secretary Frances Hunter, who will be retiring in October 1995.

3. Per Diem

A change in the way per diem's will be paid from this office was discussed with the Board.

4. Budget Report

A budget report was presented to the Board by Frances Hunter.

E. New Appeals

1. Wheeling-Pittsburgh Steel Corporation, Appeal Nos. 616 & 617.
2. GE Specialty Chemicals, Inc., Appeal No. 615
3. T & T Fuels, Inc., Appeal No. 618

F. Discussion of Orders

1. Augustine Peter, Appeal No. 607

The Board was unable to come to a decision concerning the Augustine Peter Appeal No. 607 since a quorum of Board members who heard that appeal were not present. Becky Charles did present the Board with some legal research related to this appeal. It is expected that the necessary Board members will be available at the June 9, 1995 meeting to make a decision in this appeal.

2. George Hart, Appeal No. 583

The Board approved the Order for the George Hart Appeal No. 583.

3. PPG Industries, Appeal Nos. 582 & 601

The Board was given a letter from Patrick W. Pearlman on the status of this case, which stated that the two parties involved are reaching a settlement agreement.

4. DuPont/ACT, Appeal Nos. 599 & 602

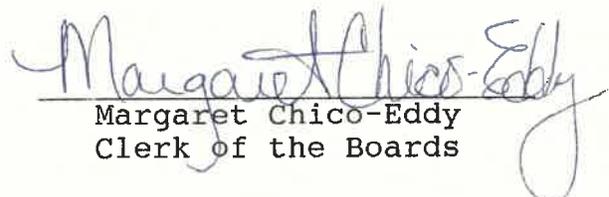
The Board discussed preliminary matters concerning the DuPont/ACT Appeal Nos. 599 & 602 and discussed the order of the proceedings in this appeal.

G. Minutes from April 20 & 21, 1995 Meeting

Chairman Jenkins made a motion to approve the minutes from the last Board meeting held on April 20 & 21, 1995, and Sarah Lee Neal seconded the motion to approve the minutes from this meeting.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on May 15 & 16, 1995 by the West Virginia Environmental Quality Board.

Submitted this 25th day of May, 1995.


Margaret Chico-Eddy
Clerk of the Boards