



ENVIRONMENTAL QUALITY BOARD

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Gaston Caperton
Governor

Charles R. Jenkins
Chairman

MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD August 16, 1995

I. General

The West Virginia Environmental Quality Board (the "Board") met on August 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. David Samuel
Dr. Donald Tarter
Sarah Lee Neal

II. Board Meeting

A. Appeals

1. Rhone-Poulenc/Affiliated Construction Trades Foundation Appeal Nos. 588 & 606

Robert McClusky representing Rhone-Poulenc, Matthew Crum representing the State and Shirley Skaggs representing the Affiliated Construction Trades Foundation presented their status report before the Board. The parties involved informed the Board that they have not met since early June on this case, but information was provided to the State six weeks ago on technical issues. The Board asked that the parties settle or be ready to present their case on October 12 or 13, 1995.

2. Monty Fowler, et al., Appeal Nos. 591B, 594 & 595B

Matthew Crum and Stephen Hass representing the State, Perry McDaniel representing the Ohio Valley Environmental Coalition, John Skaggs, Shirley Skaggs and Stuart Calwell representing the Affiliated Construction Trades Foundation came before the Board on Motions for Summary Judgement. Matthew Crum representing the State informed the Board that the State wished to revise the dioxin effluent limitation in the permit to require zero discharge of dioxin into the Ohio River, and asked for a continuance in this matter.

The Board made the following rulings on Motions: (1) Motion to Amend the Certified File was Granted, (2) Motion to Compel opinions of Appellee's Experts was Granted. The Board issued an Order requiring that by September 5, 1995, the Appellee, Office of Water Resources, issue the revised permit and a statement as to whether the revision is a major or minor modification and further ordered that the hearing be continued until September 28 & 29, 1995. The parties asked to have decisions on a few other motions delayed until further development of the case in light of the changed circumstances.

B. Administrative Meeting

1. Motions for Summary Judgement

The Board was briefed on the Motions for Summary Judgement by Libby Chatfield and Becky Charles.

2. Election of Officers

A motion was made by David Samuel to reelect Bob Jenkins as Chairman of the Environmental Quality Board; the motion was seconded by Ed Snyder. A motion was made by Sarah Lee Neal to elect David Samuel as Vice-Chairman of the Environmental Quality Board; the motion was seconded by Don Tarter. The vote for each officer was unanimous.

3. FOIA (Copying Fees)

The Board discussed the fee schedule amendment in the proposed FOIA rule (46 CSR 8). The Board will review the public comments received on the rule at the next meeting on August 23, 24 & 25, 1995.

4. Hiring of New Secretary

The Board discussed coordinating with the Air Quality Board hiring committee at the next meeting on August 23, 24 & 25, 1995, on the issue of hiring a new secretary to replace Frances E. Hunter.

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

Submitted this 22nd day of August, 1995.


Margaret Chico-Eddy
Clerk of the Boards