



ENVIRONMENTAL QUALITY BOARD

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Chairman

MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

August 7 & 8, 1996

I. General

The West Virginia Environmental Quality Board (the "Board") met on August 7 & 8, 1996, beginning at 8:15 a.m. each day. 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 Jenkins, Chairman
Dr. David Samuel, Vice-Chairman
Dr. Donald Tarter
Dr. Edward Snyder
Sarah Lee Neal

Members not present:

Dr. David Samuel, 8-08-96

II. Board Meeting

A. Administrative Issues

1. Minutes

The Board approved the minutes from the June 11 & 12, 1996 meeting. Bob Jenkins moved to accept the minutes as presented and Sarah Lee Neal seconded the motion.

2. Scheduling

The Board along with staff set hearing dates for October 3-4, November 25-26, and December 16-17.

3. Election of Officers

A motion was made by Don Tarter to reelect Bob Jenkins as Chairman of the Environmental

Quality Board; the motion was seconded by Sarah Lee Neal. A motion was made by Sarah Lee Neal to elect Ed Snyder as Vice-Chairman of the Environmental Quality Board; the motion was seconded by David Samuel. Both motions carried by a unanimous vote.

4. Letter from Office of Legal Services

Becky Charles discussed with the Board a reply letter from Karen G. Watson, pertaining to continuances; being implemented. The Board confirmed its intention to enforce a its rule requiring show of good cause for a continuance. The Board requested Becky Charles to write a response that conformed with its discussion.

5. Personnel Matters

The Board went into an executive session to discuss personnel issues per WV Code §6-9A-4 on a motion by Sarah Lee Neal, seconded by Don Tarter. The Board discussed personnel issues during this session.

B. Rulemaking

1. Public Hearing on Body Burden Values

A public hearing was held on August 8 at 7:00 p.m. to accept comments regarding proposed amendments to the body burden values for 7 parameters in sections 8.22.1 and 8.22.2 of 40 CSR 1, Requirements Governing Water Quality Standards. The Board proposed deletion of those values after receiving a letter from EPA in November 1995 which disapproved the values and recommended that the Board remove them from the rule. On August 7, however, the Board received a letter from EPA which indicated that they had changed their position on the issue and suggested that appropriate values or procedures might be permissible in the rule.

Chairman Jenkins opened the hearing with an explanation of the history and indicated that in light of EPA's change in position, that they would reconsider the proposed changes and would consider establishing an inter-agency committee to review the issue. The Board proceeded to hear comments and after all comments were received, opened the meeting up to a question and answer session. A list of the speakers and attendees is attached.

C. Appeals

1. James H. & Walter J. Dunn, Appeal No. 656

Becky Charles briefed the Board on the Motion for Continuance and the Motion for Stay. Sarah Lee Neal made a motion to grant a Stay for ninety days with a status report in sixty days. Ed Snyder seconded the motion. The motion carried by a unanimous vote.

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

The Board granted Affiliated Construction Trades Foundation's (ACT) Motion to Amend the Certified Record and requested that the certified file be delivered by August 16, 1996, denied Ohio Valley Environmental Coalition's (OVEC) Motion to Enforce Settlement and denied ACT's Motion on the Issue of Modeling. Prior to the Summary Judgement hearing, ACT requested a Continuance on the modeling issue. The Board denied that motion. The Board then heard the Summary Judgement motions by OVEC, ACT Monty Fowler and WVDEP.

3. Wheeling - Pittsburgh Steel Corporation, Appeal Nos. 616 & 617

Becky Charles explained to the Board about problems in gathering data, due to the weather. The Board requested that the parties be present for a status report during the next meeting date in September.

4. G.E. Specialty Chemicals, Appeal No. 655

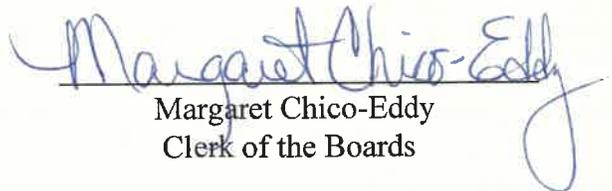
An Agreed Order with exhibit A was presented to the Board. The Board did not rule on the Order.

5. Laurel Aggregates, Appeal No. 657

The Board reviewed two written motions. One, a Motion to Intervene and the second a Motion to allow the Board to hold this hearing out of Charleston, WV. David Samuel made a motion to grant the Intervenor status, and Ed Snyder seconded the motion. David Samuel made a motion to have the hearing in Charleston and to consider a site tour if the need arises, Sarah Lee Neal seconded the motion. Both motions carried by unanimous vote.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on August 7 & 8, 1996 by the West Virginia Environmental Quality Board.

Submitted this 20th day of September 1996.


Margaret Chico-Eddy
Clerk of the Boards