



## ENVIRONMENTAL QUALITY BOARD

1615 Washington Street, East, Suite 301  
Charleston, West Virginia 25311-2126

Telephone: (304) 558-4002  
Fax: (304) 558-4116

### MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD December 19, 1996

#### I. General

The West Virginia Environmental Quality Board (the "Board") met on December 19, 1996, beginning at 10:25 a.m. The meeting was held in the Board's offices 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, Chair  
Sarah Lee Neal - teleconference  
Dr. Donald Tarter

Staff Members Present:  
Becky Charles, Legal Counsel  
Libby Chatfield, Technical Advisor  
Margaret Chico-Eddy, Clerk of the Boards

#### II. Board Meeting

##### A. Appeals

##### 1. Laurel Aggregates, Appeal No. 657

The Board denied a Second Motion to Continue by Laurel Aggregates. Don Tarter made a motion to deny the Second Motion to Continue, seconded by Sarah Lee Neal.

##### 2. Lackawanna Transport Company, Appeal No. 662

Counsels for Lackawanna Transport Company and the State filed a Joint Motion to Continue Proceedings. Bob Jenkins made a motion to bring the parties in on January 9, 1997 for a status report and denied their Continuance, seconded by Sarah Lee Neal.

**B. Administrative Issues**

**1. Conference Call Payments**

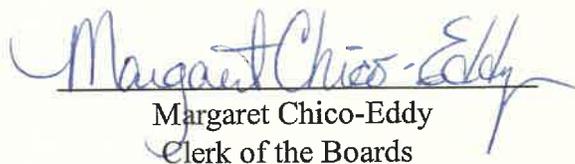
Becky Charles discussed payment for conference calls as was discussed by the AQB at their last meeting which was held on December 13, 1996. The EQB agreed with the decision made by the AQB, but Bob Jenkins would like this matter taken up before the entire Board.

**2. Letter and Response from Shirley A. Skaggs**

Becky Charles discussed with the Board a letter from Shirley Skaggs and her suggestion of the Board maintaining a data base of its final orders. The Board elected to send the letter that legal counsel Becky Charles drafted.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on December 19, 1996 by the West Virginia Environmental Quality Board.

Submitted this 7<sup>th</sup> day of February 1997.

  
Margaret Chico-Eddy  
Clerk of the Boards

**ENVIRONMENTAL QUALITY BOARD**

1615 Washington Street, East, Suite 301  
Charleston, West Virginia 25311-2126  
(304) 558-4002

Gaston Caperton  
Governor

Charles R. Jenkins  
Chairman

Fax: (304) 558-4116

October 24, 1996

The Honorable Ken Hechler  
Secretary of State  
Administrative Law Division  
Building 1, Room 157K  
Charleston, WV 25305

**RE: Notice of Meeting for Publication  
in the West Virginia Register**

Dear Mr. Secretary:

In accordance with Chapter 6, Article 9A of the West Virginia Code, notice is hereby given that the West Virginia Environmental Quality Board (the "Board") will meet on November 25 & 26, 1996 at 9:00 a.m., hearings will be held in the hearing room located at 1615 Washington Street, E., Charleston, Kanawha County, West Virginia. The Board will consider the following agenda:

**I. STATUS REPORTS & EVIDENTIARY HEARING**

- November 25, 1996, 9:00 a.m., Laurel Aggregates, Appeal No. 657
- November 25, 1996, Fancher's Meat, Appeal No. 652
- November 25, 1996, Westmoreland Coal Company, Appeal No. 660
- November 26, 1996, 9:00 a.m., Mary Ruth Corporation, Appeal No. 659
- November 26, 1996, Weirton Steel Corporation, Appeal No. 587

**II. OTHER BUSINESS**

The Board may also consider such other business as it may deem timely and appropriate. The hearings are open to the public.

Sincerely,

  
Margaret Chico-Eddy  
Clerk of the Boards



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Fax: (304) 558-4116  
MINUTES

### WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD November 25, 1996

#### I. General

The West Virginia Environmental Quality Board (the "Board") met on November 25, 1996, beginning at 8:30 a.m. 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, Chair  
Dr. Edward Snyder, Vice Chair  
Sarah Lee Neal  
Dr. David Samuel  
Dr. Donald Tarter

Staff Members Present:  
Becky Charles, Legal Counsel  
Libby Chatfield, Technical Advisor  
Margaret Chico-Eddy, Clerk of the Boards

#### II. Board Meeting

##### **A. Appeals**

##### **1. Laurel Aggregates, Appeal No. 657**

Legal Counsel, Becky Charles, briefed the Board on Laurel Aggregates prior to the status report. Counsel for the prospective parties presented their status reports to the Board. David Samuel made a motion to deny continuing this case for the purpose of a study, seconded by Don Tarter. The Board ordered that this case be set for hearing January 9 & 10, 1997 and February 7, 1997 if necessary. The motion carried by a unanimous vote.

##### **2. Westmoreland Coal Company, Appeal No. 660**

The Board granted a Motion to Dismiss by Westmoreland Coal Company. David Samuel

made a motion to dismiss without prejudice, seconded by Sarah Lee Neal. The motion carried by a unanimous vote.

### **3. Mary Ruth Corporation, Appeal No. 659**

On November 15, 1996, the Board issued a continuance of the evidentiary hearing until February 7, 1997. The Appellant is expected to appear before the West Virginia Surface Mine Board on December 11 or 12, 1996 in order to resolve issues concerning the release of its bond.

After discussion regarding the application for a variance from technology based effluent limits erroneously sent to the Board by Mary Ruth Corporation in February 1995, the Board agreed that a letter formally denying the request was appropriate. Libby Chatfield will draft the letter for the Board's approval.

### **4. Fancher's Meat, Appeal No. 652**

The Board granted a Motion for Summary Judgement by Fancher's Meat. Don Tarter made a motion to grant Summary Judgement, seconded by Sarah Lee Neal. The motion carried by unanimous vote.

### **5. Alliant Techsystems, Appeal Nos. 661 & 663**

Legal Counsel, Becky Charles, gave the Board a brief status report on this case. The evidentiary hearing is to be heard by the Board on January 9, 1997.

## **B. Administrative Matters**

### **1. Minutes**

David Samuel made a motion to accept the minutes of October 9, 1996 as written, seconded by Sarah Lee Neal. David Samuel made a motion to accept the minutes of October 3, 1996 as written, seconded by Don Tarter.

### **2. Budget Report**

Administrative Secretary, Ann Holstein, presented the budget report to the Board for the month of November. Ann asked if the Environmental Quality Board wanted to change the title of the budget report as the Air Quality Board had done, the Board was satisfied with the way the budget report is and elected not to change the report.

### **3. E-Mail Numbers for Board Members**

Don Tarter, David Samuel, Ed Snyder and Bob Jenkins supplied the Board staff with their

e-mail numbers. Sarah Lee Neal does not have a computer or e-mail access.

#### **4. Apple Grove Circuit Court Order**

Becky Charles and Libby Chatfield presented the Board with the Order from Kanawha County Circuit Court. David Samuel made a motion for Becky Charles to draft an order vacating the Apple Grove permit as directed by the Circuit Court Order, seconded by Don Tarter. David Samuel made a motion not to appeal this to the West Virginia Supreme Court, seconded by Sarah Lee Neal. The motion carried by a unanimous vote.

#### **5. Executive Session**

Don Tarter made a motion that the Board go into executive session to discuss personnel matters, seconded by Sarah Lee Neal.

### **C. Rulemaking**

#### **1. Body Burden Committee Meeting**

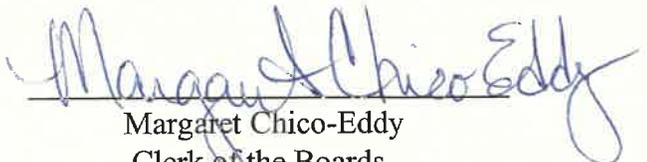
Libby Chatfield and Don Tarter reported on the first meeting of the inter-agency committee reviewing the body burden criteria which was held on November 8. The next meeting of the committee is scheduled on December 19, 1996.

#### **2. Triennial Review of the Water Quality Standards**

Libby Chatfield discussed some of the topics to be reviewed during the upcoming triennial review of the Water Quality Standards rule (46 CSR 6), including the numeric criteria for aluminum and fecal coliform. Ms. Chatfield suggested that a notice be circulated in January to solicit comments from interested parties regarding review of the rule. Ms. Chatfield indicated she has discussed with staff members at EPA Region III the possibility of meeting with them in Philadelphia to discuss EPAs suggestions for the upcoming review.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on November 25, 1996 by the West Virginia Environmental Quality Board.

Submitted this \_\_\_ day of December 1996.

  
Margaret Chico-Eddy  
Clerk of the Boards