



## 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 February 7, 1997

#### **I. General**

The West Virginia Environmental Quality Board (the "Board" or "EQB") met on February 7, 1997, beginning at 8:30 a.m. The meeting was held in the conference room located at 1615 Washington Street, East, in Charleston, West Virginia. Vice-Chair Edward Snyder called the meeting to order. Board members present at the meeting included:

Dr. Edward Snyder, Vice Chair  
Dr. Donald Tarter  
Betsy Dulin

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

#### **II. Board Meeting**

##### **A. Administrative Matters**

##### **1. Introduction of New Board Member**

Becky Charles introduced our newest Board member, Betsy Dulin. Everyone was pleased to have Betsy on board and welcomed her.

##### **2. Minutes**

Don Tarter made a motion to accept the minutes of December 16 and 19, 1996 as written, which was seconded by Betsy Dulin. A full quorum of the Board present at the December 16 and 19, 1996 meetings were not present to accept the minutes.

## **2. Administrative Law Judge Bill**

Becky Charles and Libby Chatfield discussed this pending legislation with the Board members. The Board wants to be kept posted on this bill and on the meeting that Becky and Libby will be attending on February 9, 1997 at the Capitol Complex with the Joint Judiciary Committee, Sub Committee B. The Board reviewed the comments prepared by Becky Charles and approved them for submission to the sub committee on February 9.

## **3. Underground Storage Tank Law Changes and Possible Impact**

Becky Charles informed the Board about changes in the law pertaining to underground storage tanks that will take effect in 1998. The Board directed Becky to contact Waste Management, UST Section, to see if this change will increase our case load. This may be a budgetary concern for that fiscal year, due to an increase in Board meetings.

## **4. Hearing Dates**

The Board changed the March hearing date from March 26-27 to March 31 and also selected April 25 and May 14 as hearing dates for future Board meetings.

## **5. Compensation/Reimbursement Memo**

The Board decided that time spent on teleconference calls should be discretionary with regard to reimbursement of Board members and the decision should be made by the Boards at the end of each conference call. The Board would like this relayed to the Air Quality Board.

## **6. Shirley Skaggs Response Letter**

The Board received a response letter from Shirley Skaggs on January 8, 1997. The Board elected not to respond to Shirley Skaggs' letter that was sent to the Board in reference to listing the Board's final orders with Lexis, because she needs to contact Lexis, not the Board about this matter.

## **7. Telephone Bill**

Becky Charles informed the Board that the telephone bill between the EQB and AQB was \$722.00 last month for conference calls. The Board requested calling cards be provided to them for easier access to staff. The Board also wanted the staff to check on obtaining a 800 number for friendlier Board communication with the public. The staff discussed with the Board payment of conference calls between staff and various parties appealing cases and the decision by the Board was for the parties to pay for the telephone calls. The Board also wants more telephone lines to be installed in the office if possible.

## **8. Budget Report**

Ann Holstein informed the Board of a problem that the staff was having with the Division of Environmental Protection ("DEP") over groundwater funds. The Board directed the staff to set

up a meeting with DEP Director Dr. L. Eli McCoy and Bureau of the Environment Commissioner Jack Caffrey as soon as possible to discuss the situation.

### **9. Case Management Software**

Margaret Chico-Eddy discussed with the Board, her research into new case management software and what she felt would best meet the needs of the office regarding case management, docketing and statistical information.

### **10. Team Management & Personnel Evaluations**

The Board reviewed the team management report prepared by Libby Chatfield and critiques of the program prepared by staff members and addressed problems that the staff has with the newly implemented team management program and personnel evaluations. Ed Snyder made a motion that personnel evaluations should be in all employees personnel files, evaluations are to be done on an annual basis in January and February, Libby Chatfield's title of Team Leader is changed to Office Supervisor and these should be recommended to the AQB for their consideration as well; which was seconded by Don Tarter. The motion carried by a unanimous vote.

Don Tarter made a motion to go into Executive Session to discuss personnel evaluations for Margaret Chico-Eddy and Becky Charles; which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

After that discussion, Don Tarter made a motion to go out of Executive Session; which was seconded by Ed Snyder. The motion carried by a unanimous vote.

The Board also discussed personnel evaluations with Margaret Chico-Eddy and Becky Charles. Libby Chatfield waived her evaluation for a month or two in order to review concerns raised by staff regarding the way her evaluation is conducted and to obtain a cooperative agreement between the Boards.

### **11. Letter/Gift for Sarah Lee Neal**

The Board would like to send outgoing Board member Sarah Lee Neal a letter of appreciation for her years of service and a gift from the Board and staff. This will be further discussed by telephone at a later date.

## **B. Appeal Matters**

### **1. Lackawanna Transport Company, Appeal No. 662**

Don Tarter made a motion to grant a Joint Motion to Dismiss by the parties, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

### **2. Ohio Valley Aviation Sales, Inc., Appeal No. 658**

Don Tarter made a motion to grant a Consent Order by the parties, which was seconded by

Ed Snyder. The motion carried by a unanimous vote.

**3. Valero Terrestrial Corporation, Appeal Nos. 561 & 581**

Don Tarter made a motion to grant the release of W. Dean DeLaMater from this case as counsel and retaining William E. Galloway as counsel for Brooke County Solid Waste Authority; the motion was seconded by Betsy Dulin. The motion carried by a unanimous vote.

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

Becky Charles discussed the oral request by counsel for Wheeling-Pittsburgh Steel Corporation for an extension of time for their status report due to the illness of their expert. The Board granted this oral request by Wheeling-Pittsburgh Steel until March 4, 1997.

**5. LCS Services, Inc., Appeal No. 477**

Becky Charles informed the Board of the inaction of this case which has been pending since April 18, 1991, due to motions filed in Circuit Court and the Supreme Court. The Board requested that this case be set for a status report.

**6. Mary Ruth Corporation, Appeal No. 659**

Don Tarter made a motion to approve the letter written by Libby Chatfield to Mary Ruth Corporation stating the Board was not the correct agency to issue the variance that they had requested. This motion was seconded by Ed Snyder. The motion carried by a unanimous vote.

Don Tarter made a motion to grant Mary Ruth's Consent Order, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

**7. Weirton Steel Corporation, Appeal No. 587**

Don Tarter made a motion to wait until the March meeting and the return of Board Chair Bob Jenkins before making a decision on this case; the motion was seconded by Ed Snyder. The motion carried by a unanimous vote.

**8. Union Carbide Corporation, Appeal No. 664**

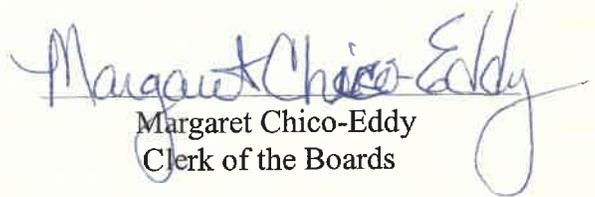
The Board decided to hold this decision over until March so they could review the Order and Attachment A, which was not available to the Board at today's meeting.

**9. Alliant Techsystems, Inc., Appeal Nos. 661 & 663**

Ed Snyder made a motion to set this decision aside until the Board can study the Agreed Order and Attachments further, which was seconded by Don Tarter. The motion carried by a unanimous vote.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on February 7, 1997 by the West Virginia Environmental Quality Board.

Submitted this 3<sup>rd</sup> day of March 1997.

  
Margaret Chico-Eddy  
Clerk of the Boards