



ENVIRONMENTAL QUALITY BOARD

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MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD April 25, 1997

I. General

The West Virginia Environmental Quality Board (the "Board" or "EQB") met on April 25, 1997, beginning at 9:00 a.m. The meeting was held in the conference room and in part by teleconference located at 1615 Washington Street, East, in Charleston, West Virginia. Chair Bob Jenkins called the meeting to order. Board members present at the meeting included:

Dr. Charles R. Jenkins, Chair
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

Spectators Present for Triennial Review:
Ben Green
Tim Mallan
Ron Evaldi
David Flannery
Ken Ward, Jr.

II. Board Meeting

A. Variance Section 7

Libby Chatfield updated the Board on the status of each of the variances in Section 7 of the rule.

1. South Branch Buzzard Run (Corning Corporation)

Libby Chatfield discussed the fluoridation problems in this stream and the reasons the Board granted their previous variance.

2. Stoney River Mt. Storm (Virginia Power)

The Board granted this variance based on temperature requirements from the discharge into Stoney River. Libby Chatfield informed the Board that EPA is requesting that the Company perform a 316A review. David Flannery stated that the company will comply with a 316A review, but would like to retain the variance language until the study is completed.

3. Monongahela River Tributary (Sharon Steel Corporation)

The company would like to retain their variance, because they have a buyer for the site. EPA is working with the State on a long term clean up plan. There is no NPDES permit on this property.

4. Conners Run of Fish Creek (American Electric Power & John Mitchell Plant)

Libby Chatfield discussed that the previous arsenic problems may no longer exist and how arsenic bio-accumulates in fish down stream. Tim Mallan spoke for the company and stated that they had a problem with characterizing this as a variance.

5. Harmon Creek (Weirton Steel Corporation)

EPA agreed to the proposal by the company and an application should be complete by the end of May. A 316A review for temperature is needed for this variance.

6. Cow Creek (CyTec - Cyanamid)

The Company has submitted a letter stating that they have moved their discharge outlet and relief.

7. Ward Hollow of Davis Creek (Union Carbide)

This variance should be resolved.

8. Simmons Creek (E.I. duPont Nemours & Company, Inc.)

DuPont has drafted a proposal on temperature for review by the Board and EPA

9. Laurel Creek of New River

The coal company involved in this variance is in bankruptcy. We are waiting for a letter from them indicating what they intend to provide regarding updating their variance.

10. Greenbrier River (Howes Leather Company)

The company is not using this river anymore.

B. Variance Requests

1. Allegheny Power

Allegheny Power has submitted a work plan which has been approved by EPA. Their for site-specific numeric criteria on the application should be complete by the end of May.

C. Aluminum Criteria

Dan Ramsey, from US Fish and Wildlife, submitted comments and concerns about what fish studies are showing.

D. Minutes

Don Tarter made a motion to accept the minutes as written, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

E. Procedural Rules

Becky Charles discussed the changes that have been made to the Board's procedural rules. Final decisions will be made during the joint meeting in May to insure uniformity between the two Board's.

F. Case Management Software

Margaret Chico-Eddy informed the Board about the newly purchased software for case management.

G. Body Burden Update

Libby Chatfield informed the Board that back calculation that was discussed at the last body burden meeting. The next meeting will be May 1, at 11:00 a.m.

H. Amended Motion to Vacate by Monty Fowler

The Board decided to take this issue up at the May meeting.

I. Sycamore Landfill, Inc., Motion to Dismiss, Appeal No. 97-02-EQB

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

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on April 25, 1997 by the West Virginia Environmental Quality Board.

Submitted this ___ day of May, 1997.


Margaret Chico-Eddy
Clerk of the Boards