



## ENVIRONMENTAL QUALITY BOARD

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### MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD December 19, 1997

#### I. General

The West Virginia Environmental Quality Board (the "Board") met on December 19, 1997, at 9:00 a.m. The meeting was held at 1615 Washington Street, E., Charleston, West Virginia. Edward M. Snyder, Chair of the Environmental Quality Board, called the meeting to order. Board members present included:

Edward Snyder, Chair  
Donald Tarter, Vice-Chair  
Charles R. Jenkins  
David Samuel

#### Staff Members Present:

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

#### II. Status Report

##### **A. 1. Lackawanna Transport Company, Appeal No. 562 & Valero Terrestrial Corporation, Appeal Nos. 561 & 581**

The Board continued the status reports in these cases until January 22, 1998, due to a technical problem with the telephone system in the conference room.

#### III. Evidentiary Hearing

##### **B. 1. Martinka Coal Company, Appeal No. 97-04-EQB**

The Board was presented with an Agreed Order by the parties. The Order was signed by

Edward Snyder, Chairman of the Environmental Quality Board.

#### **IV. Board Meeting**

##### **C. 1. Water Quality Standards**

The Board discussed the issue of Category A (Public Water Supply) limits for manganese and the concerns raised by the coal industry on this issue. Libby Chatfield reported to the Board how several other nearby states are implementing the manganese human health limits. The Board entertained comments from the audience, some in support of limiting the extent of the Public A category and some who supported retaining the existing practice of applying that use category to all waters of the state. Also discussed was the issue of the expense of treating to remove manganese, and concerns about passing that expense to water treatment facilities.

The Board discussed how to respond to any proposal in the Legislative Rule-Making Review Committee to attempts to amend the rule to address the problem of implementing the manganese criterion in Category A waters. They suggested that Libby Chatfield seek further information from Kentucky regarding this issue. The Board asked technical advisor Libby Chatfield to work with Ed Snyder and Dave Samuel on this issue.

##### **2. Dissolved Metals Committee**

Libby Chatfield gave the Board an update on the progress of the Dissolved Metals Committee and informed them that a memorandum has gone out to obtain dates for the first meeting. Betsy Dulin will represent the Board on this committee, but she will not have voting power.

##### **3. Groundwater Standards**

Libby Chatfield informed the Board that the Groundwater Standards Rule had been considered by Legislative Rulemaking Review on December 16, 1997 and is to be sent to the Legislature without amendment.

##### **4. Minutes**

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

##### **5. Scheduling**

The Board and staff changed the date of the February meeting from the 13th to the 6th. Meetings were also scheduled for March 4, April 17 and May 22, 1998.

## **6. Team Management**

Libby Chatfield discussed the new personnel evaluation forms with the Board and they had no changes to add. The Board instructed Libby to make copies for each Board chair after the form is complete and mail it by December 22, 1997.

The Board discussed the joint meeting at is to be held on January 23, 1998, at 9:00 a.m. If any Board member wants to add something to the agenda they should contact, Ed Snyder. The Board would like networking the staff's computer system and Staff Organizational Directives to be on the agenda for the joint meeting.

At the joint meeting, Libby Chatfield, will have information on the yearly cost of a safety deposit box, from the bank next door to the office.

## **7. CM Tech, Inc., Appeal No. 97-07-EOB**

Clerk of the Boards, Margaret Chico-Eddy, informed the Board that the Appellants withdrew their case.

## **8. Pending Case Sheet**

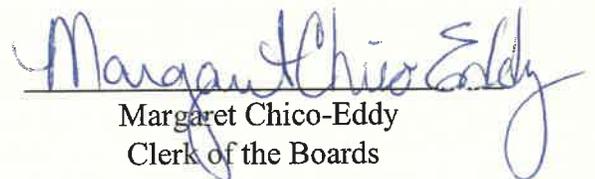
Clerk of the Boards, Margaret Chico-Eddy, informed the Board that four new cases had recently been filed involving Total Maximum Daily Load (TMDL). Margaret also informed the Board that all four cases involved the same geographical area.

## **9. Personnel Matters**

Don Tarter made a motion to go into executive session to discuss personnel matters, which was seconded by David Samuel. 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 December 19, 1997 by the West Virginia Environmental Quality Board.

Submitted this 4 day of ~~January~~ <sup>March</sup> 1998.

  
Margaret Chico-Eddy  
Clerk of the Boards