



## ENVIRONMENTAL QUALITY BOARD

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### MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD January 22, 1998

#### I. General

The West Virginia Environmental Quality Board (the "Board") met on January 22, 1998, 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  
Betsy Dulin  
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

Armando Benincasa, Legal Counsel for the Division of Environmental Protection appeared before the Board and presented a status report. William Fox, Jr., Legal Counsel for Valero Terrestrial Corporation presented a status report by telephone, as did Larry Harless, Legal Counsel for the Wetzel County Solid Waste Authority. William Galloway, Legal Counsel for the Brooke County Solid Waste Authority presented his status report in writing. The Board by its own motion elected to Dismiss the cases without Prejudice. The parties wanted the Board to ensure their ability to reinstate the appeals if necessary whether or not the Board will need to hear the appeals will depend upon the final outcome in Federal Court. David Samuel made a motion to Dismiss without Prejudice, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

### III. Evidentiary Hearing

#### **B. 1. Webster County Solid Waste Authority, Appeal No. 97-06-EQB**

The Board heard evidence in the Webster County Solid Waste Authority, Appeal No. 97-06-EQB case. The Board granted Motions to Intervene by the Town of Cowen and the Webster County Commission. The Board also granted a Stay to be in effect until the merits of the case can be resolved.

### IV. Motions

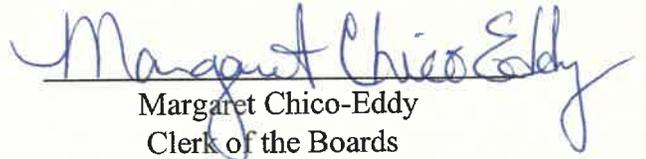
#### **C. Motion to Consolidate, Appeal Nos. 97-08-EQB, 97-09-EQB, 97-10-EQB, 97-11-EQB**

David Samuel made a motion to grant the Motions to Consolidate the four appeals for a joint hearing, which was seconded by Don Tarter. The Board recognized that some factual differences between the cases exist and may necessitate separating them again. The motion carried by a unanimous vote.

The Board granted the Motion to Continue the hearing from February 6 to March 4 at which time it would decide the Motion to Dismiss. Don Tarter made a Motion to Continue, 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 January 22, 1998 by the West Virginia Environmental Quality Board.

Submitted this 4 day of March ~~February~~ 1998.

  
Margaret Chico-Eddy  
Clerk of the Boards