

MINUTES
WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
April 17, 1998

I. General

The West Virginia Environmental Quality Board (the "Board") met on April 17, 1998, at 8:30 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,
Betsy Dulin (by telephone)
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. Administrative Matters

A. Paitzel Lockhart, Motion for Stay Hearing, Appeal No. 98-06-EQB

The Board held a hearing on a Motion for Stay. David Samuel made a motion to deny the Motion for Stay, which was seconded by Don Tarter. The motion carried by a unanimous vote.

B. Edmund L. Wright, et al., Motions, Appeal No. 98-01-EQB

The Board held a hearing in the Edmund L. Wright, David O. Holz, Maryjane Walthall, Ronald and Glenda Worrell. Motions were decided and the case was continued until June 4 and 5, 1998.

1. Motion for Pro Hac Vice by David O. Williamson

The Board granted the Motion for Pro Hac Vice.

2. Motion to Strike and Motion to Deny Pro Hac Vice

The Board denied the Motion to Strike and the Motion to Deny Pro Hac Vice.

3. Motion for Intervention

Don Tarter made a motion to grant the Motion for Intervention, which was seconded by Bob Jenkins. The motion carried by a unanimous vote.

4. Motion for Discovery

Bob Jenkins made a motion to allow the parties to receive the discovery that is specified in WV Code §22B-1-8(b), as agreed by the parties during the scheduling conference held on March 3, 1998. All requests for additional discovery are denied. The motion was seconded by Don Tarter. The motion carried by a unanimous vote.

C. Water Quality Standards and Ground Water Standards

Libby Chatfield informed the Board that everything that they proposed to the Legislature passed with amendments pertaining to Water Quality Standards. The Board discussed when to final file the rule and when the effective date should be (around sixty days from April 12 and around July 1 respectively). ~~The Board discussed whether to hold public hearings on the Public A issue and had some input from the US Geological Society.~~ The Board requested that the issue of Public A hearing alternatives and antidegradation be added to the May agenda. Libby reported that all of the proposed changes to the ground water rule were adopted by the Legislature.

Omit

D. Remining Variances

The Board requested that Libby Chatfield write to D&L Coal Mining Company and inform them that we will meet with them during the May meeting and to make suggestions about additional information that is necessary to review their variance request.

E. Minutes

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

F. Metals Committee Update

The Board requested case studies that are to be reviewed at the next metals meeting.

G. Scheduling

The Board has scheduled hearings for July 13 & 14 and August 18, 1998.

G. Personnel Handbook

Bob Jenkins made a motion to approve the personnel handbook, which was seconded by Don Tarter. The motion carried by a unanimous vote.

H. Procedural Rule

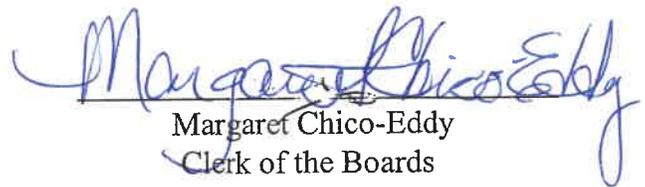
David Samuel made a motion to accept the procedural rules as written, which was seconded by Bob Jenkins. The motion carried by a unanimous vote.

I. Budget Report

Ann Holstein reported on the Board finances and requested computer software to design a web page. Ed Snyder would like the staff to purchase a tape recorder that plugs into the telephone. Bob Jenkins requested the staff to make a wish list and present the list at the Board at the May meeting.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on April 17, 1998 by the West Virginia Environmental Quality Board.

Submitted this 11th of ~~May~~ ^{Jan. 1999} 1998.


Margaret Chico-Eddy
Clerk of the Boards