

**BUREAU OF THE ENVIRONMENT
ENVIRONMENTAL QUALITY BOARD**

1615 Washington Street, East, Suite 301
Charleston, West Virginia 25311-2126
(304) 558-4002
Fax: (304) 558-4116

**MINUTES
WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
OCTOBER 20, 2000**

I. General

On October 20, 2000, a quorum of the members of the Environmental Quality Board (hereinafter referred to as the "Board") met at its offices located at 1615 Washington St. E., Charleston, West Virginia. Chairman Snyder called the meeting to order at 8:00 a.m.

Board members present were as follows:

Ed Snyder, Chair
Bob Jenkins
Cameron Hackney

Absent were Board members:

Betsy Dulin
Dave Samuel

Staff members present were as follows:

Libby Chatfield
Becky Charles
Melissa Carte

Whereupon, the Board addressed the issues set forth in the Agenda as follows:

1. 46 CSR 1 - Requirements Governing Water Quality Standards

a.) Pritchard Mining Company Remining Variance Request:

Representatives of Pritchard Mining Company appeared before the Board to discuss a water quality standard variance request for a remining operation at the Dry Branch Surface Mine. The Company will be seeking a variance from the pH standard for discharge into Seldom Seen Hollow. This was a preliminary presentation and the formal variance application has not been submitted.

The proposed Dry Branch Surface Mine will encompass approximately 463 acres of land disturbance and includes two valley fills, sediment control structures and haulage structures. In an effort to protect the water quality standards the Company proposes to isolate and encapsulate the toxic materials. Pritchard Mining Company provided the Board with written materials that are not attached to these minutes but which are available in the Board's office for review.

b.) Little Boyd Remining Variance Request:

The Board held a public hearing on October 19, 2000 regarding the Little Boyd Remining Variance request. Dr. Jenkins and Dr. Snyder attended this hearing. The Board members noted some general concerns over whether the actual water quality meets the alternate criteria proposed in the variance request and approved by the Board.

Whereupon, Dr. Jenkins moved and Dr. Hackney seconded that in the case of a remining variance, the DEP or permit holder must provide the Board with an annual summary of the water quality standards and a benthic survey for their review, and the motion passed unanimously 3 to 0.

After discussing both the written and oral comments on the Little Boyd Remining Variance request, Dr. Jenkins moved and Dr. Hackney seconded that the Board delay a final decision on the application until all members have had the opportunity to review the transcript of the hearing, and the motion passed unanimously 3 to 0. The Board scheduled a conference call for 9:00 a.m. on Thursday, November 16, 2000, to discuss the variance request and make a final determination in this matter.

- c.) Update of Board response to Randy Sovic's memo regarding the State's Continuing Planning Process:

During the previous Board meeting, the Board members were provided with a memo from Randy Sovic requesting assistance from the Board regarding certain elements of the State's Continuing Planning Process (CPP) document which is being developed by the WV DEP. At the direction of the Board Ms. Chatfield drafted a response that was sent to each Board member for comment. Ms. Chatfield informed the Board that the response has now been provided to Mr. Sovic.

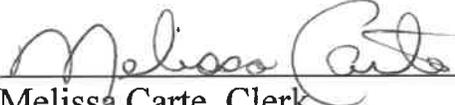
II. Appeals

1. Appeal #00-09-EQB(Barazi) - Appeal Hearing:

The Board conducted a hearing in Appeal #00-09-EQB(Barazi). This hearing was recorded and transcribed by a certified court reporter. A copy of the transcript will be made available to the parties of the appeal and also retained in the Board's office for review.

Whereupon, at 12:35 p.m., Dr. Jenkins moved and Dr. Hackney seconded that the October 20, 2000 Environmental Quality Board regular meeting be adjourned, and the motion passed unanimously 3 to 0. The Board will reconvene in a joint meeting with the Air Quality Board at 1:00 p.m.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on October 20, 2000, by the West Virginia Environmental Quality Board. The minutes were approved by the Environmental Quality Board on Nov. 17, 2000.



Melissa Carte, Clerk