

**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  
NOVEMBER 16, 2000**

**I. General**

On November 16, 2000, a quorum of the members of the Environmental Quality Board (hereinafter referred to as the "Board") met by telephone conference. Chairman Snyder called the Environmental Quality Board meeting to order at 9:00 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

The purpose of the meeting is to review comments regarding the Little Boyd Coal Company Remining Variance request which were received by the Board during the public hearing and comment period, and to issue a decision on the variance request.

The Board members were previously provided with a copy of the transcript of the public hearing and all written comments received by the Board. However, Ms. Chatfield informed the Board that the WV Division of Environmental Protection (WV DEP) and the US Environmental Protection Agency (USEPA) had not yet provided the Board with additional comments but that such comments were forthcoming.

In August, 2000, the Company submitted a proposal that contained alternate in-stream criteria for two parameters, manganese and pH. Two in-stream values were proposed for each parameter. One was calculated based on a percentage of improvement over the "worst case" concentration in the stream and the other was based on a percentage of improvement over the average concentration measured in the stream. Compliance with this average value would be determined based on a twelve month average of samples taken after mining activity begins.

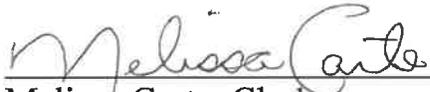
There is currently some concern about implementing the two-tiered system and using a value for which compliance would be determined over a twelve month sampling period. Normally the Board would assign a one number in-stream value to replace the numeric criterion.

The Board voiced questions regarding the implementation of the two-tiered approach and expressed the need for additional information. The Board also requested input from the WV DEP regarding their position on the issue of using the average concentrations.

The Board decided to schedule an emergency meeting on November 21, 2000. This meeting would include the Board members currently participating in the telephone conference, Ken Politan of the DEP, Little Boyd Coal Company representatives and Dan Sweeney of the USEPA.

Whereupon, Dr. Hackney moved and Dr. Jenkins seconded that the November 16, 2000, Environmental Quality Board meeting be adjourned and the motion passed unanimously 3 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the telephone conference held on November 16, 2000, by the West Virginia Environmental Quality Board. The minutes were approved by the Environmental Quality Board on Dec. 18<sup>th</sup>, 2000.

  
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Melissa Carte, Clerk