

March 30, 2005

The Honorable Betty Ireland Secretary of State  
Administrative Law Division  
Building 1, Room 157K  
Charleston, WV 25305

**RE: Notice of Meeting for Publication in the West Virginia Register**

Dear Ms. Secretary:

In accordance with Chapter 6, Article 9A of the West Virginia Code, notice is hereby given that the West Virginia Environmental Quality Board ("Board") will meet on Thursday, April 7, 2005, at 9:00 a.m. The meeting will be conducted in **1st floor hearing room at the Board offices located at 601 57<sup>th</sup> St., SE, Charleston, Kanawha County, West Virginia.** During the meeting the Board will discuss the following agenda\*\*:

**I. Appeals**

**1.) Appeal No. 04-03-EQB (Hominy) and Appeal No. 04-06-EQB (Hominy 2):**

The Evidentiary Hearing in these appeals was conducted on February 10, 2005. At the conclusion of the hearing the parties were provided with the opportunity to file legal briefs. Such briefs have been submitted and provided to the members of the Board. During the April 7, 2005, EQB meeting the Board will go into executive session to review and discuss the pleadings filed in the case, the evidence admitted during the evidentiary hearing, and the legal briefs submitted by the parties, and may reach a final decision in these appeals.

**2.) Appeal No. 04-22-EQB (Webster Co. Solid Waste):**

Appeal No. 04-22-EQB (Webster Co. Solid Waste) was filed with the Board on August 9, 2004, and is in regards to an Order issued by the WV Department of Environmental Protection's Division of Water and Waste Management which revokes the facility's Solid Waste Permit No. SWF-7810/WV0109541. The Evidentiary Hearing in Appeal No. 04-22-EQB is scheduled to be conducted during the April 7, 2005, Board meeting.

**3.) Appeal No. 05-01-EQB (North Lake, LLC):**

Appeal No. 05-01-EQB (North Lake) was filed with the Board on January 19, 2005, and is in regards to an Order for Compliance No. 5632, which was issued by the WV Department of Environmental Protection's Division of Water and Waste Management on December 20, 2004. The Evidentiary Hearing in Appeal No. 05-01-EQB is scheduled to be conducted during the April 7, 2005, Board meeting.

**4.) Appeal No. 05-03-EQB (Shavers Fork/Bowden/Faulkner):**

Appeal No. 05-03-EQB was filed with the Board on February 22, 2005, and is in regards to WVNPDDES No. WV1017578 which was issued by the WV Department of Environmental Protection's Division of Water and Waste Management to the J.F. Allen Company for its Pond Lick Mountain Quarry. On March 25, 2005, the Board granted the permit holder Intervenor status as a party Appellee. The Evidentiary Hearing in Appeal 05-03-EQB is scheduled to be conducted during the April 7, 2005, Board meeting.

## **II. Rulemaking**

**1.) Aluminum Study:**

In response to a legislative directive, the Board began a review of the current aluminum criteria contained in the Water Quality Standards rule and opted to suspend the chronic aquatic life aluminum criterion of 87 ug/liter from all waters of the state except trout streams, until July 4, 2007. The date for lifting the suspension of the chronic aluminum value was established to provide time for the Board to work with all interested parties to develop and implement appropriate scientific studies to evaluate the aquatic life impacts of dissolved and total aluminum concentrations in state waters. Dr. Simonton will provide an update of current Aluminum Technical Review Committee activities.

**2.) Union Carbide Variance Request:**

The US Environmental Protection Agency recently rejected the new criteria for chlorides in Ward Hollow that was contained in Section 7.2.d.19.3 of the Water Quality Standards rule. Prior to the April Board meeting, the Company will submit a new variance application for discussion during the April 7, 2005, Board meeting, in order to facilitate further action by the Board.

**3.) Update on Senate Bill 287:**

The Board members will be provided with an update regarding the current status of Senate Bill 287, which removes the Board's rulemaking authority and delegates such authority to the WV Department of Environmental Protection.

**III. Administrative Matters**

- 1.) Review and Approval of the March 10, 2005, Board meeting minutes
- 2.) Review and Approval of the March 31, 2005, Board meeting minutes
- 3.) General Budget Update
- 4.) Personnel Matters
- 5.) Consolidation of the Air Quality Board, the Environmental Quality Board and the Surface Mine Board

**IV. Other Business**

The Board may take up additional administrative matters and may also consider such business as it may deem appropriate consistent with the Open Governmental Proceedings Act (WV Code §6-9A-1). Portions of this meeting may not be subject to the Open Governmental Proceedings Act.

**\*\*Items may not be discussed by the Board in the order in which they are listed on the agenda.**

Sincerely,

Melissa Carte,  
Clerk of the Boards