

March 2, 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, March 10, 2005, at 9:00 a.m. The meeting will be conducted in **1st floor hearing room at the Board offices located at 601 57th St., SE, Charleston, Kanawha County, West Virginia.** During the meeting the Board will discuss the following agenda**:

I. Appeals

1.) Appeal 04-07-EQB (Higginbotham):

Appeal 04-07-EQB (Higginbotham) was filed with the Board on April 30, 2004. Prior to the scheduled date of the evidentiary hearing the parties submitted a proposed Consent Judgment and Order for Dismissal which resolved the issues of the appeal without the need for the evidentiary hearing. The Board approved that joint Consent Judgment and Order of Dismissal on December 9, 2004. The Board will be provided with an update of the actions taken by the Appellant as required by the Consent Judgment and Order of Dismissal.

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

Appeal No. 04-22-EQB (Webster Co. Solid Waste) was filed on August 9, 2004, and is in regards to an Order issued by the WVDEP which revokes the facilities Solid Waste

Permit No. SWF-7810/WV0109541. The Evidentiary Hearing is Appeal No. 04-22-EQB is scheduled to be conducted during the March 10, 2005, Board meeting.

3.) Appeal No. 04-27-EQB (ICG Eastern)

Appeal No. 04-27-EQB (ICG) was filed on December 20, 2004, and is in regards to the effluent limits for manganese established in WVNPDES Permit No. 0098868 which was issued by the WVDEP on November 20, 2005. The Evidentiary Hearing in Appeal No. 04-27-EQB is scheduled to be conducted during the March 10, 2005, Board meeting.

4.) Appeal No. 05-01-EQB (North Lake, LLC)

Appeal No. 05-01-EQB (North Lake) was filed on January 19, 2005, and is in regards to a WVDEP Order for Compliance No. 5632, which was issued by the Division of Water and Waste Management on December 20, 2004.

5.) Board Docket:

The Board will review and discuss the docket of appeals currently pending before the Environmental Quality Board.

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 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.

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. The company has asked to be placed on the March 10, 2005, Board meeting agenda in order determine the appropriate course of action by the Company and the Board.

III. Administrative Matters

- 1.) Review and Approval of the February 10, 2005, Board meeting minutes
- 2.) General Budget Update
- 3.) Personnel Matters
- 4.) 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