



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES  
AIR POLLUTION CONTROL COMMISSION

1615 Washington Street, East Suite 301  
Charleston, West Virginia 25311

Telephone: (304) 558-4002  
Telefax: 558-1222

**MINUTES**  
**WEST VIRGINIA POLLUTION CONTROL COMMISSION**  
**1558 WASHINGTON STREET, EAST**  
**Conference Room**  
**February 8, 1993**  
**2:00 p.m.**

**I. General**

The West Virginia Air Pollution Control Commission met on February 8, 1993 at 2:00 p.m. in the Commission's Conference Room located at 1558 Washington Street, East, Charleston, West Virginia. Chairman L. Newton Thomas, Jr. called the meeting to order.

**II. Commissioners Present for Meeting**

L. Newton Thomas, Chairman  
Allen Hamner  
Joseph P. Schock  
Gus R. Douglass, member ex officio

**III. Materials Presented to the Commissioners**

The following documents were distributed:

1. Filing of Proposed Amendments to 45 C.S.R. 22 (Regulation 22) made on December 24, 1992.
2. W.V. Manufacturers Association Comments made in response to the January 7, 1993 hearing on proposed amendments to Regulation 22.
3. "Summary of Hearing Comments and Suggested Changes to the Proposed Revisions to Regulation 22 (45 C.S.R. 22) 'Air Quality Management Fee Program.'"
4. "Suggested Changes in Language to Commission Approved Rules" (Changes suggested by the Legislative Rulemaking Committee).

**IV. Commission Meeting**

**Regulation 22 - Air Quality Management Fee Program**

Consideration was given to comments received during the thirty day comment period following the public hearing which was held on January 7, 1993. Chief Farley reported on written

comments (identified above as document two) received from the W.V. Manufacturers Association; the Office of Air Quality (OAQ) has since revised the proposed regulation in response to the receipt of these comments.

Whereupon, the text of each remaining change to Regulation 22 (identified above as document 3) proposed by the OAQ was considered in order by the commission.

Upon motion by Chairman Thomas, and unanimous vote, the Commission resolved to approve any changes to the regulation within the discretion of the Office of Air Quality.

#### Other Commission Business

##### **o Minutes**

Upon motion by Chairman Thomas, the Minutes of January 7, 1993 were unanimously adopted by the Commission.

##### **o Legal Counsel**

Discussion was held regarding the status of legal counsel and secretarial services to the Commission. At the last Commission meeting, the Commission had resolved to contract for the legal and secretarial services of Larry G. Kopelman. However, Mr. Kopelman's services had since been contracted for by the OAQ, and the Department of Commerce, Labor and Environmental Resources had hired attorney Britt Bernheim as counsel to both the Water Resources Board and the Commission. Upon conclusion of the discussion, Chairman Thomas moved to rescind the Commission's January 7, 1993 resolution contracting for the legal and secretarial services of Mr. Kopelman, which was rescinded by unanimous vote. Upon motion by Chairman Thomas and a unanimous vote, it was resolved to elect Ms. Bernheim as the Commission's Secretary for a one year term beginning on February 8, 1993.

##### **o Fairmont Workshop**

A synopsis was given of a public meeting held in Fairmont, West Virginia and attended by Mr. Kopelman and Chief Farley on the Division of Environmental Protection ("DEP").

##### **o Legislation**

Chairman Thomas reported to the Commission on the status of proposed legislation reorganizing the DEP. Chairman Thomas gave a detailed summary of the proposed legislation as it related to consolidating the Commission with two other environmental boards.

##### **o EPA Notice of Non-compliance**

Chief Farley reported on a letter received by the EPA notifying the state of its non-compliance with a November 15, 1992 deadline for the promulgation of stage II recovery regulations.

**o Legislative Rulemaking Committee Issues**

Chief Farley reported to the Commission on the Legislative Rulemaking and Review Committee's suggested changes in language to commission approved rules. Each of the Committee's suggested changes to the Commission's proposed rules were discussed, whereupon the Commission unanimously approved the Committee's proposed changes upon motion by Chairman Thomas and a unanimous vote.

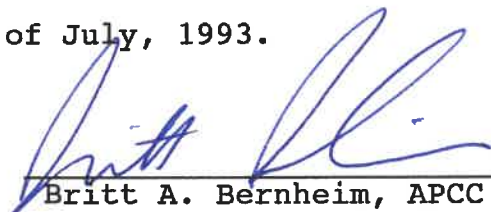
**o Clean Air Act Amendments of 1990 - OAQ Activities**

Chief Farley made a presentation to the Commission of the OAQ's current activities relating to the Clean Air Act Amendments of 1990. Presentation topics included: Activities under Title I; areas of non-attainment for sulfur dioxide, PM10, and Ozone; and the small business compliance program.

At the conclusion of the discussion relating to other Commission business, the meeting was adjourned upon motion and unanimous vote.

I hereby certify that the foregoing is a true and correct record of the proceedings of the February 8, 1993 meeting of the Air Pollution Control Commission.

Submitted this 13th day of July, 1993.

  
\_\_\_\_\_  
Britt A. Bernheim, APCC Secretary