



WEST VIRGINIA AIR QUALITY BOARD

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M I N U T E S

1615 Washington Street, East
Charleston, WV 25311
8:30 a.m. November 29, 1994

I. MEMBERS PRESENT

Jean C. Neely, Chairman
Robert L. Foster
Allen T. Hamner
Michael Koon
Thomas Ising
Gus R. Douglass
Joseph P. Schock (designee of Dr. William Wallace)

II. MEETING

A. Public Meeting

At approximately 10:00 a.m. a public meeting of the Air Quality Board (the "Board") was convened, whereupon Mr. Allen Hamner moved to grant the Motions for Partial Summary Judgement and affirm the Board's decision to exclude fugitive emissions from Georgia-Pacific's estimate of potential to emit particulate matter. The motion carried upon a vote of the majority of the Board.

1. Evidentiary Hearing

An evidentiary hearing was held on the remaining issues in the matter of Appeal No. 93-05-P; Affiliated Construction Trades Foundation, Appellant, v. G. Dale Farley, Chief of the Office of Air Quality, West Virginia Division of Environmental Protection, Appellee, and Georgia-Pacific Corporation, Intervenor.

Counsel for Appellee, Mark Rudolph, made a Motion for a Directed Verdict by the Board. After adjourning to deliberate, the Board found that the Office of Air Quality performed an acceptable analysis of BAT in issuing the permit and therefore the Board granted the Appellee's Motion for a Directed Verdict, by a unanimous vote of those present (Gus R. Douglass was absent from the vote).

2. Amended Notice of Appeal in 94-06-P

Legal counsel briefed the Board on an Objection to the Amended Notice of Appeal in 94-06-P (Trus Joist MacMillan), whereupon the Board voted unanimously to deny ACT leave to amend its Notice of Appeal.

3. Procedural Rules

During the public meeting the proposed procedural rules 52 C.S.R. 1 were adopted by a unanimous vote of the Board and which directed its legal counsel to file the rules with the Secretary of State's Office.

4. Status Reports

Status reports were presented to the Board in the following cases:

1. American Alloys, Inc., 94-04-CD
2. American Timber Services, Inc., 93-04-P
3. Capitol Cement Corporation, 94-01-P & 93-07-P
4. Georgia-Pacific Corporation, 93-06-P
5. Wheeling Pittsburgh Steel Corporation, 93-03-CD

Whereupon, the meeting was adjourned.

I hereby certify that the foregoing is a true and accurate representation of the proceedings held by the Air Quality Board on the 29th day of November, 1994.

Submitted for approval this 24th day of May, 1995.


Margaret Chico-Eddy
Clerk of the Boards