



WEST VIRGINIA AIR QUALITY BOARD

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

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

M I N U T E S
1615 Washington Street, East
Charleston, WV 25311
9:00 a.m., May 24, 1995

I. MEMBERS PRESENT

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

II. MEETING

A. Public Meeting

At approximately 9:00 a.m. a public meeting of the Air Quality Board (the "Board") was convened, whereupon Jean C. Neely moved to adopt the minutes of the last meeting held on November 29, 1994. A discussion on minutes for upcoming meetings was held. The Board instructed the Clerk to give more detail in the minutes in regard to status reports given to update cases and the time that the meetings end.

B. Introductions

Our new legal counsel Rebecca S. Charles, was introduced and a brief background was presented to the Board. A description of the duties performed by the Clerk of the Boards, Margaret Chico-Eddy, was given to the Board members for their information and review.

C. Election of Officers

A discussion was held by the Board on election of officers. Board Chair, Jean C. Neely, has asked our legal counsel to research the issue of ex-officio members serving as Chair or Vice-Chair of the Board. Election of new officers will be held at the next scheduled meeting of the Air Quality Board.

D. Procedural Rules

Proposed changes in the Freedom of Information rules were presented to the Board by Frances E. Hunter. The Board voted unanimously to change the rate per page for copies to .25 and an agency fee of \$25.00 an hour.

E. Purchasing

The Board voted unanimously to make purchases that need to be made before the end of the fiscal year to upgrade the office. The Board requested a set of CSR & CFR be purchased for use during meetings. The Board also decided that it was necessary to have a financial report sent to the Board Chair every month and a financial report is to be given at every Board meeting. The Board also discussed combining the budgets of the AQB and the EQB. This came about due to discussions on payroll and how one staff member is paid from the AQB and EQB budgets.

F. Retiring Secretary

The Clerk of the Boards informed the Board that the staff secretary Frances E. Hunter will be retiring in October 1995. The AQB wishes to work with the Environmental Quality Board on a replacement for Frances Hunter. The Board selected members Robert Foster and Joseph Schock to work up a draft job description and meet with the EQB on June 9, 1995 for a discussion. A job description proposal is to be sent to the other Board members by July 1, 1995.

G. Merit Raises

The Board voted unanimously to give a five percent merit raise to the Clerk of the Boards, Margaret Chico-Eddy, effective immediately.

H. Materials Sent to Board Members

A discussion was held by the Board on materials sent to them from the AQB office. The Board decided that a cover letter describing the materials enclosed in the packets be sent as well. The cover letter will aid the Board and the Clerk in keeping track of materials sent out to all members.

I. Motion for Recusal

A Motion for Recusal on Gus R. Douglass was filed on May 22, 1995 by the Affiliated Construction Trades Foundation, in appeal no. 94-06-P. Legal Counsel, Becky Charles spoke to the Board about this matter and Mr. Douglass decided not to take part in the hearing involving the Affiliated Construction Trades Foundation on May 24, 1995.

J. Summary Judgement

A hearing was held on a Motion for Summary Judgement filed by Trus Joist MacMillian. After the hearing the Board held a discussion and voted to deny the Motion for Summary Judgement.

K. Status Conferences

1. Georgia-Pacific, Appeal No. 93-06-P

The State and Counsel for the Appellant have been waiting for an interpretation of some federal regulations that were in federal court and have now been resolved. The Board has given both parties in this case three months to meet and try to resolve this action. The Board Chair felt that due to the Boards Counsel taking the bar exam in July that our next meeting would probably be in September of 1995, and that this was certainly a generous amount of time to resolve this case or set it for hearing.

2. Appalachian Timber Services, Appeal No. 93-04-CD

Steve Hass, representing the State, presented the Board with a Consent Order and the Dismissal of the Appeal for the Board's signature.

3. Capitol Cement Corporation, Appeal No. 94-01-P, 93-07-P

Steve Hass, representing the State, relayed to the Board that Rick Poling from the Office of Air Quality and Capitol Cement have come to an agreement and the appeal final agreement is now in the hands of the attorney for the State and Capitol Cement to finalize the language. Mr. Hass informed the Board that a Consent Order could possibly be ready by the end of June.

4. American Alloys, Inc., 94-04-CD

American Alloys, Inc. was signed and resolved prior to the hearing on May 24, 1995.


5. Ormet Aluminum Mill Products Corporation, 94-08-CD

Steve Hass, representing the State, informed the Board that the Office of Air Quality sent a proposed Consent Order to Counsel for Ormet and minor changes have been made in the language by Ormet. The Board Chair felt that June 30, 1995 was the deadline for receiving this Consent Order.

Whereupon the meeting was adjourned at 2:20 p.m.

I hereby certify that the foregoing is a true and accurate representation of the proceedings held by the Air Quality Board on the 24th day of May, 1995.

Submitted for approval the 21st day of June, 1995


Margaret Chico-Eddy
Clerk of the Boards