



## WEST VIRGINIA AIR QUALITY BOARD

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### MINUTES WEST VIRGINIA AIR QUALITY BOARD October 23, 1996

#### I. General

The West Virginia Air Quality Board (the "Board") met on October 23, 1996, at 9:00 a.m.. The meeting was held at 1615 Washington Street, E., Charleston, West Virginia. Thomas Ising, Chair of the Board, called the meeting to order. Board members present at the meeting included:

Thomas Ising, Chair  
Michael Koon, Vice Chair  
Janet Fisher (designee of Gus Douglas)  
Robert Foster  
Allen Hamner  
Jean Neely (by telephone)

Not Present:

Joseph Schock or Don Kuntz (designee for Dr. Harry Taylor)

#### II. Board Meeting

##### A. Recusal Motion

##### 1. Ohio Valley Environmental Coalition, Appeal No. 96-09-P

Counsel for Ohio Valley Environmental Coalition filed a Motion to Recuse Gus R. Douglas. Designee for Gus R. Douglas, Janet Fisher, called the commissioner to inform him of this Motion, at which time Commissioner Douglas voluntarily recused himself and/or his designee from this case. Bob Foster made a motion to deem OVEC's motion moot, seconded by Mike Koon. The motion carried by a unanimous vote.

##### B. Administrative Matters

##### 1. Temporary Technical Advisor

The Board requested that legal counsel, Becky Charles, put together a summary of appeal issues. Becky Charles conveyed to the Board that this request would be complete in two weeks.

Board members discussed speaking with technical advisor candidate Dr. Jeffrey W. Bradford, Ph. D., P.E., and other potential candidates.

## **2. Budget Report**

The board reviewed a printout of the budget and current expenditures as prepared by the Board's Administrative Secretary. The Board approved the format of the budget information with a couple of minor additions (such as a title for the document and for each quarter to be identified).

## **3. Second Norman Kilpatrick Letter**

The Board requested that legal counsel, Becky Charles, answer Mr. Kilpatrick's letter from the Board stating that he will have to go through Dr. L. Eli McCoy, Director of the DEP and Commissioner of the Bureau of Environment. The board requested that the letter explain that the Board has no authority to address Mr. Kilpatrick's concerns.

## **4. Appeals**

The board requested the Clerk of the Boards, Margaret Chico-Eddy, supply members with a docket sheet every month.

## **5. November Meeting**

Clerk of the Boards, Margaret Chico-Eddy, confirmed members attending the November meeting.

## **6. Minutes**

The Board made a change in the August 12, 1996 minutes to reflect a motion affirming the permit in Larry Schwab, M.D. Mike Koon made a motion to accept the minutes with the one change in language, seconded by Bob Foster. The Board made a change in the September 27, 1996 minutes to reflect a missing sentence. Bob Foster made a motion to accept the minutes by adding the missing sentence, seconded by Mike Koon. Bob Foster made a motion to accept the October 1, 1996 minutes as written, seconded by Janet Fisher. The motions carried by a unanimous vote.

## **7. Executive Session**

Pursuant to 6-9A-4(2) by a unanimous vote the Board went into executive session to discuss personnel matters. The Board discussed with Libby Chatfield, team leader for the AQB & EQB staff, that Ann Holstien has been employed by the Boards for one year. The board agreed that Ms. Chatfield should proceed with a performance evaluation of Ms. Holstein. The Board will review her evaluation at the November Board meeting.

**C. Motions**

**1. Gene Fontaine, Appeal No. 96-05-P**

Bob Foster made a motion to grant Appellee's Motion to Dismiss, seconded by Mike Koon. The motion carried by a unanimous vote.

**2. William Cummings, Appeal No. 96-06-P**

Bob Foster made a motion to grant Appellee's Motion to Dismiss, seconded by Mike Koon. The motion carried by a unanimous vote.

**3. Monty Fowler, Appeal No. 96-08-P**

Bob Foster made a motion to grant a Motion for Partial Dismissal, seconded by Jean Neely. The motion carried by a unanimous vote.

**4. David White, Appeal No. 96-12-P**

Tom Ising made a motion to deny portions of the Appellee's Motion for Partial Dismissal, seconded by Mike Koon. The Board vote was 3-1, with Tom Ising, Mike Koon and Jean Neely voting to deny the Motion for Partial Dismissal and Bob Foster voting to grant the Motion for Partial Dismissal on these portions made a motion to grant portions of the Appellee's Motion for Partial Dismissal, seconded by Mike Koon.

Jean Neely made a motion to grant a Motion for Order Compelling Discovery, seconded by Bob Foster. The motion carried by a unanimous vote.

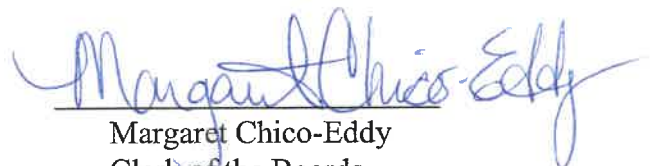
**5. Ohio River Valley Environmental Coalition, Appeal No. 96-09-P**

Tom Ising made a motion to deny Appellant's Motion to Vacate or Suspend Permit R14-11, seconded by Mike Koon. The motion carried by a unanimous vote.

Whereupon the meeting adjourned at 1:10 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 23rd day of October 1996.

Submitted for approval the 27th day of November 1996.

  
Margaret Chico-Eddy  
Clerk of the Boards