



## AIR QUALITY BOARD

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### MINUTES WEST VIRGINIA AIR QUALITY BOARD September 26, 1997

#### I. General

The West Virginia Air Quality Board (the "Board") met on September 26, 1997, at 9:00 a.m. The conference call was held at 1615 Washington Street, E., Charleston, West Virginia. J. Michael Koon, Chair of the Board, called the meeting to order. Board members present included:

Robert Foster, Vice Chair  
Ann Calvert  
Don Kuntz (designee for Dr. Henry Taylor)  
Jean Neely

Staff Members Present:

Becky Charles, Legal Counsel  
Ann Holstein, Administrative Secretary

#### II. Motions

##### **A. 1. Joint Motion for Revision of the Briefing Schedule, Appeal No. 96-08,09,10,11-P**

The Board discussed the Joint Motion for a Revision of the Briefing Schedule. Bob Foster made a motion to grant the Motion with the provision that the Board convene on December 18, 1997 for a status conference with the parties. The purpose of the conference is to confirm the status of the appeals and the Board will, at that time, take further appropriate action. Don Kuntz seconded the motion that included the additional language. The motion carried by a unanimous vote.

##### **B. 2. Motion to Recuse Thomas Ising, Appeal No. 96-08-P**

Don Kuntz moved to deny the motion on the basis that it is moot. Bob Foster seconded the motion which carried unanimously.

C. **3. Appellee's Motion to Admit Two Affidavits, Appeal No. 96-08,09,10,11-P**

Jean Neely moved to deny the motion. Don Kuntz seconded the motion. The motion carried by a unanimous vote.

**III. Administrative Matters**

A. **1. Hearing Dates**

The Board decided to cancel their meeting scheduled for October 28, 1997. The Board approved the following hearing dates:

November 7, 1997 - Elkem Metals

December 10 & 11, 1997 - Vernatter/Powers and Clearon Corporation

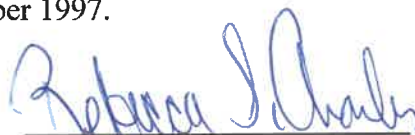
December 18, 1997 - Conference call on Apple Grove status

B. **2. Appeal Updates**

The Board requested that the Clerk of the Boards provide them with an update on appeals that have gone to Circuit Court and the Supreme Court of Appeals.

I hereby certify that the foregoing is a true and accurate representation of the proceedings held by the Air Quality Board on the 26th day of September 1997.

Submitted for approval the 26<sup>th</sup> day of October 1997.



Rebecca S. Charles  
Legal Counsel