



AIR QUALITY BOARD

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MINUTES WEST VIRGINIA AIR QUALITY BOARD October 8, 1997

I. General

The West Virginia Air Quality Board (the "Board") met on October 8, 1997, at 8:30 a.m. The meeting was held at 1558 Washington Street, E., Charleston, West Virginia. Michael Koon, Chair of the Board, called the meeting to order. Board members present included:

Michael Koon, Chair
Robert Foster, Vice Chair
Ann Calvert
Janet Fisher (designee for Gus Douglass)
Don Kuntz (designee for Dr. Henry Taylor)
Jean Neely

Staff Members Present:

Becky Charles, Legal Counsel
Margaret Chico-Eddy, Clerk of the Boards
Ann Holstein, Administrative Secretary

II. Board Meeting

A. 1. Minutes

Don Kuntz made a motion to accept the August 5 & 6, 1997 minutes as amended, which was seconded by Bob Foster. The motion carried by a unanimous vote.

Don Kuntz made a motion to accept the September 26, 1997 minutes, which was seconded by Bob Foster. The motion carried by a unanimous vote.

2. Budget

Ann Holstein discussed the money paid by the Environmental Quality Board (EQB) for the Air Quality Board end of the year expenses that occurred due to the Apple Grove appeal. The

Board suggested that Ann Holstein a training line item be added to the budget. Jean Neely commended Ann for her budget work and the entire Board agreed.

3. Office Space and Letter to Commissioner Caffrey

Becky Charles explained to the Board that the EQB elected to send a letter to Commissioner Caffrey about keeping the Board informed on changes in office space and the special needs of the Boards.

4. Update on Circuit Court Cases

Margaret Chico-Eddy gave a status report on two Board cases pending in the Kanawha County Circuit Court, David White, Frank Leone, Jr. and Steve Cousins. Both cases are in limbo presently and no hearings have been scheduled.

5. Update on the Vernatter/Powers Cases

Becky Charles discussed a Motion to Dismiss with the Board by Intervenor Northland Resources. Becky informed the Board that we are waiting for a response from the Appellant's, before the Board rules on the motion. Margaret Chico-Eddy has spoken to the parties and the informed her that they planned on answering the Motion to Dismiss.

6. Scheduling

The Board scheduled the FMC Corporation (97-01-AQB) and Elkem Metals Company (97-04-AQB) appeals for November 7, 1997. The Board also scheduled a hearing for the Frank Leone, Jr., Steve Cousins, UMWA and Richard Eddy (97-08-AQB) for December 10 & 11, 1997.

7. Procedural Rules

Bob Foster made a motion selecting Mike Koon as the contact with the EQB on procedural rule changes, which was seconded by Don Kuntz. The motion carried by a unanimous vote.

The Board made the following changes to the proposed procedural rules:

1. Section 3.5 - Where the term electronic mail is used add (e-mail) after that term.
2. Sections 3.5 & 3.6 - Insert Eastern time instead of local time.
3. Eliminate using the phrase However.
4. Section on Notice of Appeal change leave of the Board to approval of the Board and change prays to requests.
5. Section on Certificate of Service change name chief of the agency to name of chief of the agency and change name attorney handling this case for the State to name of attorney handling this case for the State.

6. Section on Notice of Appeal noting the section that the example of the Certificate of Service can be found and the code citation.

Any additional Board comments must be sent to Mike Koon by the close of business on October 13, 1997.

9. Distributing Board Materials

The Board discussed having Margaret Chico-Eddy send all materials for Board meetings to members that are not attending to keep them informed.

10. Letters and Gift for Tom Ising

Mike Koon will send the Board staff a disk with letters to Commissioner Caffrey and Governor Underwood. The letters will be to thank Tom Ising for his years of service on the Board and filling the vacancy left by Tom Ising's resignation. The Board chose to honor Tom Ising with an engraved plaque stating his name, the name of the Board and the dates he served. The Board opted for a \$50.00 limit on the gift.

11. 360 Evaluations

The Board suggested the staff attend training on how to do personnel evaluations. Mike Koon suggested having a locked file draw for Board Chairs only in the Charleston office for personnel evaluations.

12. Longevity Rule

Don Kuntz made a motion to adopt the longevity rule with amendments, which was seconded by Bob Foster. The motion carried by a unanimous vote.

13. Staff Organizational Directives


The staff relayed their hope for a clear distinction of the reporting relationships between staff in the Staff Organizational Directives. Jean Neely and Don Kuntz suggested referencing job descriptions of staff in the document, such as defining the duties of the Clerk of the Boards and the Administrative Secretary. The Board would like a definition of the team leader's authority and team leaders job description.

Libby Chatfield is to meet with the Board Chairs on October 9, 1997 to discuss the Staff Organizational Directives document. The Board would like a draft to be complete for the EQB meeting on October 24, 1997 and the AQB meeting on November 7, 1997.

Jean Neely made a motion to adjourn at 12:20, which was seconded by Janet Fisher.

I hereby certify that the foregoing is a true and accurate representation of the proceedings held by the Air Quality Board on the 8th day of October 1997.

Submitted for approval the 7th day of November 1997.


Margaret Chico-Eddy
Clerk of the Boards