



WEST VIRGINIA AIR QUALITY BOARD

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MINUTES WEST VIRGINIA AIR QUALITY BOARD May 19, 1998

I. General

The West Virginia Air Quality Board (the "Board") met on May 19, 1998, at 10:00 a.m. The meeting was held at 1615 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
Thomas Hansen
Don Kuntz (designee for Dr. Henry Taylor)
Jean Neely, by telephone

Staff Members Present:

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

II. Board Meeting

1. Non-lawyer Representation of Parties

Becky Charles informed the Board that she discussed this issue with Tom Tinder, Executive Director of the West Virginia State Bar. Mr. Tinder recommended that the Board have a rule regarding non-lawyer representation. Tom Hansen made a motion to: 1) add language to the Board's procedural rule and allow organizations to be represented by an agent who is not an attorney; and 2) to add language to the Board's "pro se" letter cautioning non-lawyers of the illegality of practicing law without a license. Becky Charles is to draft proposed language for review and approval of the Board. This motion was seconded by Don Kuntz and the motion carried by a unanimous vote.

2. Clearon Corporation

Bob Foster made a motion to accept the Consent Order. The motion was seconded by Tom Hansen. The motion carried by a unanimous vote.

The Board requested that Becky Charles send a letter to the Office of Air Quality notifying them that before the Board will approve consent orders, it will require the parties to submit a comparison document along with the proposed order. The comparison document should state all changes made to the original permit or order by the consent order pending before the Board. This will allow the Board to easily determine the nature of the changes made in the consent order.

3. Legislative Audit

The Board discussed the issue of legislative audits. It was noted that a legislator recently said all agencies should be audited with some frequency. The Board requested information regarding what is audited in these legislative audits and how an agency is chosen to be audited. The Board also requested information on how legislative audits are conducted and asked the staff to discuss the issue at their next staff meeting.

Becky Charles discussed a 1996 legislative audit of the WV Supreme Court of Appeals. The auditors found problems with such things as annual and sick leave records as well as compensatory time, petty cash and U.S. postage stamp records.

4. Hearing Schedule

The Board set the Tom D. Jarrell case for June 11, 1998 and Becky Charles discussed the possibility of the West Virginia Coal Association case settling by June 11. The Board will meet at 8:30 a.m. on June 11, to be briefed about the cases.

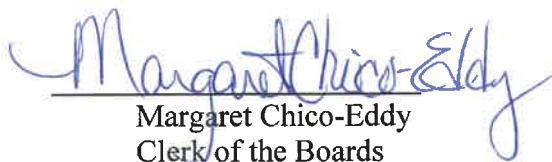
5. Budget Report

Ann Holstein informed the Board that they had approximately two thousand dollars left until the end of the fiscal year. The Board requested the purchase of a recorder that plugs into the telephone. All purchases and budgetary matters will be discussed at the Joint Board Meeting.

Mike Koon made a motion to adjourn at 11:45 a.m., which was seconded by Don Kuntz. The motion carried by a unanimous vote.

I hereby certify that the foregoing is a true and accurate representation of the proceedings held by the Air Quality Board on the 19th day of May 1998.

Submitted for approval the 19th ^{August} day of ~~July~~ 1998.


Margaret Chico-Eddy
Clerk of the Boards