



Air Quality Board
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Minutes of Teleconference

WEST VIRGINIA AIR QUALITY BOARD **August 4, 1998**

I. General

The West Virginia Air Quality Board held a teleconference on August 4, 1998, at 9:30 a.m. for the purpose of deciding three administrative appeals. This teleconference was not subject to the Open Governmental Proceedings Act because "any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding" is excluded from the requirements of the Act. West Virginia Code § 6-9A-2(4).

Mike Koon, Chair of the Air Quality Board, called the meeting to order. The following Board members were present:

Mike Koon (by telephone);
Bob Foster (present in the Air Quality Board's office);
Ann Calvert (present in the Air Quality Board's office);
Don Kuntz (present in the Air Quality Board's office);
Jean Neely (by telephone).

The Board's legal counsel, Becky Charles was present and participated in the conference from the Board's office.

II. Appeals

A. West Virginia Coal Association v. Chief, Office of Air Quality, Appeal No. 98-01-AQB

Mike Koon moved to approve, in principle, the Consent Order proposed by the parties.

Before he signs and enters the Consent Order, Mike Koon will seek additional information on two issues. The first issue is the permit's cite to "Reference Document G-10B." This document includes the definition section for the permit but may not be properly referenced in the permit. The other issue concerns the removal of the requirement that all facilities under this General Permit be at least one hundred (100) feet from a cemetery.

Mike Koon moved that the Board delegate himself and Becky Charles to discuss the two issues with the counsel for the parties. After the discussion, he would decide whether or how to alter the Consent Order before he signs it.

Bob Foster seconded these combined motions. The motions passed by a unanimous vote.

B. Tom D. Jarrell v. Chief, Office of Air Quality, Appeal No. 98-02-AQB

Bob Foster made a motion to approve the Consent Order offered by the three parties in this appeal. The motion was seconded and the Board unanimously passed the motion.

C. Jiffy Foam, Inc. v. Chief, Office of Air Quality, Appeal No. 98-03-AQB

Jean Neely moved to withdraw Appeal No. 98-03-AQB from the Board's docket and dismiss it with prejudice. Bob Foster seconded the motion which passed by a unanimous vote.

III. Adjournment

After the Board members decided not to receive compensation for this conference, Mike Koon adjourned the conference at 10:35.

I, Rebecca Charles, hereby certify that the foregoing is a true and correct record of the Air Quality Board's conference held on August 4, 1998.

Approved by the Air Quality Board on the 19th day of August 1998.



Rebecca S. Charles