



Air Quality Board
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MINUTES
WEST VIRGINIA AIR QUALITY BOARD
July 30, 1999

I. General

On July 30, 1999, a quorum of the members of the Air Quality Board met. The meeting was held at the Board's offices at 1615 Washington Street E., Suite 301; Charleston, West Virginia. The Chair, Bob Foster, called the meeting to order at 9:00 A.M..

The Board members present were:

Bob Foster, Chair
Ann Calvert, Vice-chair
Tom Hansen
Don Kuntz
Jean Neely, by telephone

Absent were the following Board members:

Mike Koon
Gus Douglass

Staff members present were:

Becky Charles
Libby Chatfield for a portion of the meeting

II. Administrative Matters

A. Budget Report

Libby Chatfield told the Board that Ann Holstein was not present today and that there was no

budget report to present. The Board requested that one be presented at the next meeting. Libby reported that the EQB suggested a conference with the Commissioner of the Bureau of the Environment. Due to the announcement Thursday that the current Commissioner was resigning and a new one was beginning next week, the AQB suggested a delay on this conference. The Board suggested waiting until the new Commissioner is more familiar with the various branches of the Bureau and the financial aspects of the system. They also suggested that the Chief of Administrative Services of the Bureau also be present at the conference with the Commissioner.

B. Consolidated Building Project Update

Becky Charles reported to the Board that the proposed new building for the Bureau of the Environment has merged with a proposed new building for the Bureau of Employment Programs. The Office of Administration has now narrowed the list of potential building sites to six. Becky reported that the staff of the Bureau of the Environment is familiar with the needs of the Boards.

C. Minutes

Becky Charles reported to the Board that she was unable to have minutes for the Board to approve. She told the Board that she would have them for the next Board meeting.

D. Education and Enforcement Fund

Becky Charles gave the Board a report on the Office of Air Quality's Education and Enforcement Fund as set out in the West Virginia Code § 22-5-4. Becky reported that the purpose of the fund was to be a repository of gifts, donations and contributions and specifically money received by the OAQ as a result of the entry of consent orders. Becky reported that she spoke to OAQ's attorney, Tom Zerbe, about the fund. Tom said that the fund was a way to collect penalty money and keep it within the agency. He said that there is a provision in the WV Constitution that requires the money collected for penalties and fines to go into a fund for schools. The Air Quality Education and Enforcement Fund keeps the money available for the Office of Air Quality. Becky reported that she spoke with a staff person from OAQ about the use of the fund. It was reported that the fund is used to pay the salary of the Small Business Ombudsman and is used for staff training. Some other miscellaneous items are also paid out of the fund. Becky reported that the fund has held as much as \$2 million in the past but had an estimated balance of about \$350,000 at the time she researched the matter.

III. Appeals

A. Huntington Sanitary Board, Appeal No. 99-01-AQB

The Board reviewed the Consent Order filed by the parties in the Huntington Sanitary

Board Appeal No. 99-01-AQB. Becky Johnson, of the Office of Air Quality, and Tom Zerbe, counsel for the Office of Air Quality, answered questions from the Board regarding the case. Becky Charles informed the Board that Counsel for Huntington Sanitary Board, Paul Calamita, had consented to the OAQ staff's discussion with the Board and that he was available by telephone if needed. Following a brief discussion of the case and settlement, Don Kuntz moved that the Board approve the Consent Order. Tom Hansen seconded the motion. The Board voted unanimously to approve the Order.

B. Dept. of Veterans Affairs Medical Center, Appeal No. 99-03-AQB

The Board reviewed and discussed the Consent Order filed by the parties in this appeal. Jean Neely moved that the Board approve and accept the Order subject to the amendment of Finding of Fact #15 which needed the insertion of a date. Ann Calvert seconded the motion. The motion carried by a unanimous vote.

The Board discussed its concern with the Office of Air Quality's timeliness of the permitting process. They noted the time line of the Dept. of Veteran Affairs permitting process. The Board requested Becky Charles to draft a letter to the OAQ regarding this issue. The letter will be addressed to Chief Kropp and copied to the permitting supervisor, Terry Polen. The letter will acknowledge improvements in the process and will state that the increased fees were supposed to fix the problem. The Board is concerned with situations where a fast turnaround time on a permit is imperative.


IV. Adjournment

At 10:20 A.M., Don Kuntz moved to adjourn the meeting. Ann Calvert seconded the motion and the Board voted unanimously to adjourn.

I, Rebecca Charles, hereby certify that the foregoing is a true and correct record of the Air Quality Board's conference held on July 30, 1999.

Submitted for approval on this 26th day of August 1999.

Approved by the Air Quality Board on Aug. 26, 1999.
Approved by the Board as amended on _____.


Rebecca S. Charles