



Air Quality Board
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MINUTES
WEST VIRGINIA AIR QUALITY BOARD
November 18, 1999

I. General

On November 18, 1999, a quorum of the members of the Air Quality Board met. The meeting was held at the Board's office at 1615 Washington Street, E., Suite 301; Charleston, West Virginia. The Chair, Bob Foster, called the meeting to order at 9:00 AM.

The Board members present were:

Bob Foster, Chair
Jean Neely
Tom Hansen
Don Kuntz, designee of Dr. Henry Taylor
Mike Koon, by telephone

Absent were the following Board members:

Janet Fisher, designee of Gus Douglass
Vacant seat (vacated by Ann Calvert)

II. Administrative Matters

1. Review and Approval of Meeting Minutes:

The minutes of the July 16th, 1999, Board meeting were presented to the Board for consideration. Whereupon, Don Kuntz moved and Tom Hansen seconded that the minutes of the July 16, 1999, Board meeting, as written, be adopted and the motioned passed unanimously 5 to 0.

The minutes of the August 26th, 1999, Board meeting were presented to the Board for consideration. The minutes were amended to provide that Board member Ann Calvert was nominated by the Governor to fill a vacancy within the West Virginia Legislature.

Whereupon, Jean Neely moved and Don Kuntz seconded that the minutes, as amended, be adopted and the motion passed unanimously 5 to 0.

2. Budget Report:

Ms. Chatfield provided the Board with an Environmental Quality Board and Air Quality Board budget report compiled by Randy Taylor of DEP. This report indicates that the Board should not use the Ground Water Account for the remainder of the fiscal year, except for Ms. Chatfield's salary. A copy of this report is attached to and made a part of these minutes as Exhibit "A". The Board was informed that Randy Taylor will attend the November 29, 1999, Environmental Quality Board meeting in order to discuss the fiscal matters with the Boards. The Air Board members were encouraged to provide their questions to the Chairman prior to that meeting or attend the meeting by telephone.

After reviewing the fiscal report, the Board was concerned that a portion of a former employee's unemployment compensation was taken from this year's budget, even though it should have been paid from the previous year's (FY 1999) account. The Board was informed that because of staffing problems, that payment was not made within the appropriate fiscal year. Because the Board operates on an appropriated account, the money which was ear marked for that payment was returned to the General Revenue Fund at the end of the 1999 fiscal year. The monies were then deducted from the year 2000 budget when the delayed payment was made in October. Basically, the monies for the unemployment compensation were taken from the Boards' budget on two separate occasions - once when the unused money was returned to the general fund at the end of the fiscal year and second, when the payment was deducted from the Boards' fiscal year 2000 budget.

Ms. Chatfield was directed to draft a letter to Commissioner Castle explaining this matter to him in detail and request a waiver with reimbursement to the Board from a discretionary fund.

3. Audit Update:

a. Purchasing Card:

The Auditor's office reviewed the p-card files. Since the files were in such disarray, the Auditor's office has opted to review the files for October through February and at that time they will issue a report on the p-card use. If the report is satisfactory for that period they will allow the continued use of the p-card.

b. Fiscal Post Audit:

The Board was informed that a fiscal post audit is currently being conducted. There is no projected date for the completion of this project.

4. Computer Update:

The Board was informed that a networking system is being installed in the office and that the e-mail system is being updated with the groupwise program. This work is being performed by DEP and will only cost the Board approximately one hundred dollars for a printer connection.

After discussing Ms. Chatfield's computer needs, the Board suggested that staff contact an outside computer consultant to diagnose the problem with the computer and depending on the problem, directed the staff to canvass the State surplus warehouse for more efficient computer.

Additionally, the Board also suggested that the staff wait to upgrade the current computer programs, such as Windows '98, Word or Excel, until the new administrative secretary is hired since he or she may offer valuable insight.

5. Meeting Dates:

The Board selected January 20, 2000, at 8:30 a.m., and February 24, 2000, at 8:30 a.m. as the next Board meeting dates.

6. Personnel Matters:

a. Updated hiring schedule:

Don Tarter, co-chair of the Environmental Quality Board joined the meeting telephonically to discuss the proposed pay range for the Administrative Secretary position. The Board decided to use a base salary of \$23, 000 per year and build commensurate with experience.

The Board then reviewed the resumes received to date and compiled a list of ten names which, after reviewing any additional resumes received in the Board office by Monday, November 22nd and conferring with the Environmental Quality Board, may be selected for initial telephone interviews. Twelve candidates will be selected on November 29th, and telephone interviews will be conducted on December 1st, 2nd, and 3rd. After those interviews, a list of six or seven viable candidates will be selected for in-person interviews on December 9th.

The Board scheduled a telephone conference for December 10th at 9:00 a.m. to review the results of the interviews with the Board members who were unable to attend. At that time the list of candidates will be narrowed to three. On December 17th the final interviews will be conducted and a candidate will be selected for the position. After selecting the candidate, the staff will e-mail the results to all Board members.

b. 360 Performance Evaluations for Becky Charles and Libby Chatfield:

The Board was informed that Ms. Charles and Ms. Chatfield are currently completing the 360 performance evaluations and will provide them to the Board Chairs by December 1, 1999.

c. 30/60/90 Performance Evaluations for Melissa Carte:

The Chairmen of the Environmental Board and the Air Quality Board completed the 30/60 day evaluation for Melissa Carte, which was placed in her personnel file. The evaluation of her performance was excellent.

7. Board Member Appointments:

The Board was informed that, to date, there has been no information provided regarding member appointments. The Board decided that Chairman Foster would meet with Commissioner Castle regarding the re-appointment of Board Member Mike Koon and the immediate appointment of an individual to replace Ann Calvert.

The Board voted to select Jean Neely as the Vice-Chair of the Air Quality Board.

8. Pending Case Sheet:

The Board was provided with a pending case sheet, detailing all outstanding cases and action to be taken.

III. Appeals

1. 99-02-AQB (B.F. Goodrich):

The Board was informed that the hearing on Appeal No. 99-02-AQB (B.F. Goodrich) has been continued until the January 2000 Board meeting. The parties have negotiated a settlement with the exception of the amount of the penalty. The appellant stated that it is unlikely that a hearing will be required in this matter.

2. 99-05-AQB (TSF Limited):

The Board was informed that the hearing on Appeal No.99-05-AQB (TSF Limited) has been continued until the January 2000 Board meeting. The parties have stated that they need additional time to review and verify the data and calculations regarding the facility's potential to emit. The parties also asserted that there is a great potential for a settlement in this appeal.

3. 99-06-AQB (Guardian Glass):

The Board was presented with a proposed Consent Order in Appeal #99-06-AQB (Guardian Glass). Whereupon, Mr. Kuntz moved and Mr. Hansen seconded that the Board approve the Consent Order and the motion passed unanimously 5 to 0.

4. 99-07-AQB (Elkem Metals):

The Board was informed that the Hearing on Appeal No. 99-07-AQB (Elkem Metals) has been continued until the January 2000 Board meeting. The parties filed a joint motion for a continuance so that they may complete settlement negotiations.

5. 99-09-AQB (Marietta Industrial Enterprises):

The Board was informed that Appeal No. 99-09-AQB (Marietta Industrial Enterprises) was withdrawn. The parties entered into a Consent Agreement which resolves this appeal.

6. 99-10-AQB (Cannelton Industries):

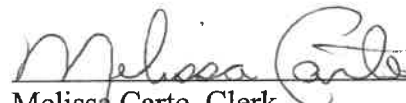
The Board was informed that Appeal No. 99-10-AQB (Cannelton Industries) was withdrawn. The parties entered into a Consent Agreement which resolved the Cease and Desist Order that is the subject of this appeal. Accordingly, the Appellant withdrew the appeal.

IV. Other Business

After being informed that the office date stamp is not "Y2K" compliant, the Board directed Ms. Charles to order one manual date stamp to be used for both the Environmental Quality Board and the Air Quality Board materials.

WHEREUPON, at 11:30 a.m., Mr. Hansen moved and Mr. Kuntz seconded that the November 18, 1999, meeting of the Air Quality Board be adjourned and the motion passed unanimously 5 to 0.

I hereby certify that the forging is a true and correct record of the proceedings of the meeting held on November 18th, 1999, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on January 20, 2000.


Melissa Carte, Clerk