



Air Quality Board
1615 Washington Street, East Suite 301
Charleston, West Virginia 25311

Telephone: (304) 558-4002
1-800-480-4598

Fax: (304) 558-4116
E-mail: clerk@mail.wvnet.edu

MINUTES

WEST VIRGINIA AIR QUALITY BOARD

January 20, 2000

I. General

On January 20, 2000, 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 10:00 a.m.

The Board members present were:

Bob Foster, Chair
Tom Hansen

Participating by telephone were Board members:

Jean Neely, Vice Chair
Don Kuntz, designee of Dr. Henry Taylor
Mike Koon

Absent were Board members:

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

II. Administrative Matters

1. Review and Approval of Meeting Minutes:

a. November 18, 1999

The minutes of the November 18, 1999, Board meeting were presented to the Board for consideration. The minutes were amended to change the procedural term "revised" to "amended" on pages one and two of the minutes. That section of the minutes now reads: "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." and also "Whereupon, Jean Neely moved and Don Kuntz seconded that the minutes, as amended, be adopted and the motion passed unanimously 5 to 0." In addition, the minutes were amended to include the time when the November 18, 1999, Air Quality Board meeting was adjourned.

Whereupon, Don Kuntz moved and Tom Hanson seconded that the minutes of the November 18, 1999, Air Quality Board meeting, as amended, be adopted, and the motion passed unanimously 5 to 0.

2. Budget Report:

The Board members were informed that pursuant to a directive from the Governor, all State agencies must cut their fiscal year 2000 budget by three percent. The Air Quality Board budget will be cut by approximately \$2,392.00 dollars.

Because of the existing budget problems, the Board directed Ms. Chatfield to contact Commissioner Castle by letter and inform him that the Board is in danger of abdicating its' statutory responsibilities and may be forced to request from a discretionary fund, additional financial assistance prior to the end of the fiscal year. The letter should remind Commissioner Castle that the Air Quality Board is responsible to decide appeals and consequently, the Board will be forced to deny individuals and companies their rights and administrative abilities to proceed with appeals. In addition the letter should stress that the Air Quality Board does not receive federal monies and must operate strictly with state funds.

3. Audit Update:

a. Purchasing Card:

The Board was reminded that when the State Auditor's office reviewed the p-card files, the files were in such disarray, that they decided to review the files for October through February and then make a report of the p-card use. However, the Auditor's office has contacted Ms. Chatfield and requested that the audit take place during the last week of January.

b. Fiscal Post Audit:

The Legislative Auditor's Office is continuing its fiscal post audit and there is no projected date for the completion of this project.

4. Computer Update:

The Board was informed that Ms. Chatfield's computer has been ordered and should arrive within the next few weeks, however, Ms. Carte's computer is no longer functioning. After a computer specialist from DEP looked at the machine it became evident that it was going to cost more to fix the machine than it was worth. The Office of Air Quality has loaned her a computer until a new machine can be purchased.

5. Meeting Dates:

The Board scheduled an Air Quality Board meetings for March 23, 2000, and April 27, 2000.

6. Personnel Matters:

The Board members were formally introduced to Kathy Coleman, the new Administrative Secretary. Her performance evaluations are scheduled February 10th, March 10th, and April 10th, 2000.

Chairman Foster informed the Board that the 360 degree personnel evaluations for Libby Chatfield and Becky Charles will be completed by January 21, 2000.

7. Board Member Appointments:

Chairman Foster informed the Board that he had contacted Commissioner Castle regarding Board member appointments. Andy Gallagher, assistant to Commissioner Castle, contacted Chairman Foster and informed him that he had given the Commissioner the name of the Board member who was up for re-appointment and that he anticipated Mr. Koon's re-appointment would be processed in the near future. However, to date, they do not have a candidate for the vacant position.

III. Appeals

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

The Board was informed that Appeal #99-02-AQB(B.F. Goodrich) was resolved by a Consent Order on December 15, 1999 and consequently B.F. Goodrich withdrew the appeal.

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

The Board was presented with a Motion to Withdraw Appeal #99-05-AQB(TSF). On January 14, 2000, the Office of Air Quality withdrew the Notice of Violation and Cease and Desist Order issued to Tom Seely Pine Furniture on May 21, 1999, which were the subject of this appeal. On January 19, 2000, the Appellant filed a Motion to Withdraw the Appeal since there are no issues remaining to be resolved. Whereupon, Tom Hansen moved and Mike Koon seconded that the Board approve the proposed Motion to Withdraw, and the motion passed unanimously 5 to 0.

3. 99-07-AQB (Elkem Metals):

The Board was informed that Appeal #99-07-AQB(Elkem Metals) has been continued until the March 23, 2000, Board meeting. On January 11, 2000, the parties filed a Joint Motion for Continuance and explained that a new approach to the settlement was presented to the Appellee on January 10, 2000. The parties stated that this approach would likely be the most environmentally protective of the solutions already under consideration by the parties. If this solution is adopted, the one remaining issue would be the issue of penalty to the company. The parties stated that they strongly believe that the entire matter will settle if given additional time to complete the analysis of the new potential solution to the case.

4. 99-09-AQB (Marietta Industrial Enterprises):

This appeal was originally set for hearing on November 18, 1999. Prior to that date, the parties indicated to the Board that they had completed settlement negotiations to resolve this appeal and the Board withdrew the appeal. However, when the Board did not receive a copy of the settlement agreement, the Board contacted the parties of the appeal. At that time, the Board was informed that the settlement agreement negotiations had failed and the parties requested that the appeal be set for hearing. The hearing was re-scheduled for January 20, 2000.

The Board was informed that on January 19, 2000, the parties stated that they had completed settlement negotiations and would not need a hearing in this matter but again did not provide the Board with a signed copy of the settlement agreement. The parties did not appear for the hearing nor did they produce the settlement agreement.

Whereupon, Jean Neely moved and Tom Hansen seconded that the appeal be dismissed, with prejudice, from the Board's docket if a signed copy of the settlement agreement is not provided to the Board by Friday, January 21, 2000 at 5:00 p.m., and the motion passed unanimously 5 to 0.

4. 99-11-AQB (Coronado):

The Board was informed that the hearing in Appeal #99-11-AQB(Coronado) has been continued until February 24, 2000. The parties of the appeal indicated that they have been negotiating a

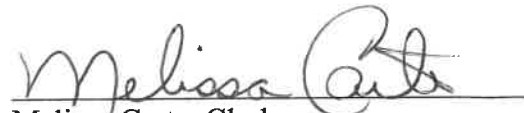
settlement and that they believe that the matter will be resolved within the next month upon final execution of the agreement and payment.

IV. OTHER BUSINESS

The Board members decided not to accepted a per diem for this Air Quality Board meeting.

WHEREUPON, at 11:10 a.m., Jean Neely moved and Tom Hansen seconded that the January 20, 2000, Air Quality Board meeting be adjourned and the motion passed unanimously 5 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on January 20, 2000, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on February 24th, 2000.



Melissa Carte, Clerk