



**Air Quality Board**  
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## MINUTES

### WEST VIRGINIA AIR QUALITY BOARD

February 24, 2000

#### I. General

On February 24, 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 8:30 a.m.

The Board members present were:

Bob Foster, Chair  
Tom Hansen

Participating by telephone were Board members:

Jean Neely, Vice Chair  
Mike Koon  
Don Kuntz, designee of Dr. Henry Taylor  
Janet Fisher, designee of Gus Douglas

Absent were Board members:

None - Vacant seat for general public representative

## II. Administrative Matters

### 1. Review and Approval of Meeting Minutes:

#### a. January 20, 2000

The minutes of the January 20, 2000, Board meeting were presented to the Board for consideration. The minutes were amended to delete the extraneous words "and also" from page two, paragraph one, line five. Whereupon, Don Kuntz moved and Tom Hanson seconded, that the minutes of the January 20, 2000, Air Quality Board meeting, as amended, be adopted, and the motion passed unanimously 6 to 0.

### 2. Budget Report:

The Board was informed that Ms. Coleman will be preparing a budget report which will be sent to the Board members prior to the March 23<sup>rd</sup> AQB meeting. Chairman Foster announced that he and the Co-Chairs of the Environmental Quality Board sent a letter to Commissioner Castle regarding the predicted budget shortfall for the Air Quality Board and the Environmental Quality Board during the fiscal year 2000. Ms. Fisher requested that a copy of that letter be sent to all Board members. In addition, the letter is attached to and made a part of these minutes as Exhibit "A".

### 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 the period of October through February and then make a report of the p-card use. That audit has now been completed and the results indicate that proper procedures are being followed and the Boards will be allowed to continue to participate in the Purchasing Card program.

#### 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 the new Tangent brand computers are being installed today. These computers were ordered through the bid process, with the assistance of the Information Technology Office of the Division of Environmental Protection Agency. Ms. Chatfield received a complete system and Ms. Carte received a new CPU. The total cost of these two computer systems was \$2,600.

5. Meeting Dates:

The Board scheduled an Air Quality Board meeting for May 17<sup>th</sup>, 2000.

6. Board Member Appointments:

Chairman Foster informed the Board that Mike Koon's re-appointment has been submitted to the Legislature for approval. Also, John Calvert has been named as the appointee to fill the position vacated by Ann Calvert. The Board directed the staff to prepare a letter of welcome and orientation packet for Mr. Calvert as soon as his appointment is confirmed. In addition, the Board members discussed creating a tri-fold brochure outlining the Air Quality Board and its functions for distribution to the general public. Ms. Chatfield informed the Board that in the future, Ms. Coleman will be developing a web-site for both the Air Quality Board and the Environmental Quality Board.

### III. Appeals

1. 99-07-AQB (Elkem Metals):

The Board members were reminded 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 amount of the penalty assessed against 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.

2. 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. 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.

However, on January 19, 2000, the parties stated that they had completed settlement negotiations and would not need a hearing in this matter, but again failed to 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.

During the January 20, 2000, Board meeting, the Board decided that the appeal should be dismissed, with prejudice, from the Board's docket if a signed copy of the settlement agreement was not provided to the Board by Friday, January 21, 2000, at 5:00 p.m. Ms. Charles informed

the Board that she had contacted the parties of the appeal regarding the Board's decision but that the settlement agreement was not received in the office by the prescribed deadline.

Consequently, Appeal #99-09-AQB (Marietta Industrial Enterprises) has been dismissed, with prejudice, and removed from the Board's docket.

3. 99-08-AQB (Coronado):

This Appeal has been settled through a Consent Order between Coronado and the Chief of the Office of Air. Consequently, the Appellant has filed a Motion for Dismissal. Whereupon, Ms. Neely moved and Mr. Koon seconded that the Board grant the Appellant's Motion for Dismissal, and the motion passed unanimously 6 to 0.

#### IV. EXECUTIVE SESSION

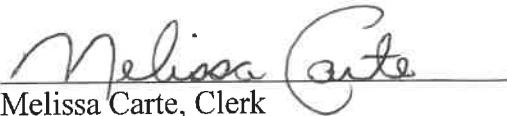
Whereupon, at 9:15 a.m., Mr. Hansen moved and Mr. Kuntz seconded, that the Board go into Executive Session for the purpose of discussing personnel matters, and the motion passed unanimously 6 to 0. At 9:30 a.m. the Board reconvened in open session and Chairman Foster announced that no votes were taken while in Executive Session.

#### V. OTHER BUSINESS

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

WHEREUPON, at 9:32 a.m., Ms. Neely moved and Mr. Hansen seconded that the February 24, 2000, Air Quality Board meeting be adjourned and the motion passed unanimously 6 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on February 24, 2000, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on March 23<sup>rd</sup>, 2000.

  
Melissa Carte, Clerk



BUREAU OF THE ENVIRONMENT  
**ENVIRONMENTAL QUALITY BOARD and AIR QUALITY BOARD**

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March 22, 2000

Michael Castle, Commissioner  
Bureau of the Environment  
10 McJunkin Road  
Nitro, West Virginia 25143

Dear Commissioner Castle:


As per stated in our letter to you dated February 18, 2000, the Air Quality Board and the Environmental Quality Board have been concerned about the projected lack of funds to continue to hold the necessary meetings and hearings through the remainder of the fiscal year.


Please see the attached analysis of projected expenditures from now until June 30<sup>th</sup> which calculates a projected deficit of (10,313.53). If we do not receive additional funding, both Boards will have no choice but to discontinue meeting effective April 1, 2000, until the new fiscal year. Therefore, we wish to reiterate our urgent request for additional funding.

Thank you for your time regarding our budget crisis. Please let us know when it may be convenient to meet with you if you wish to discuss this issue in further detail.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Elizabeth M. Chaffield".

 Robert L. Foster, Chair  
Air Quality Board

 Edward Snyder, Co-Chair  
Environmental Quality Board

Ex. "A"