

WEST VIRGINIA AIR QUALITY BOARD

MINUTES

March 22, 2001

I. General

On March 22, 2001, 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, Jean Neely, called the meeting to order at 9:00 a.m.

The Board members present were:

Dick Calvert

Robert Foster

Robert Frame, designee of the Commissioner of the WV Department of
Agriculture

Tom Hansen

The Board members who participated telephonically were:

Jean Neely, Chair

Mike Koon

Randy Curtis, designee of the Commissioner of the WV Bureau for Public Health

Others present:

Becky Charles, Attorney

Libby Chatfield, Office Supervisor

Melissa Carte, Clerk

Kathy Coleman, Administrative Secretary

II. Administrative Matters

1. Review and approval of the minutes of the December 5, 2000, Air Quality Board meeting:

The minutes of the December 5, 2000, Air Quality Board meeting were presented to the Board for consideration. Whereupon, Mr. Foster moved and Mr. Frame seconded that the minutes of the December 5, 2000, Air Quality Board meeting, as written, be adopted, and the motion passed unanimously 7 to 0.

2. Budget Report:

The WV Environmental Quality Board and the WV Air Quality Board requested emergency funding from the WV Bureau of Environment to allow the Boards to continue operations while awaiting the decision from the Legislature regarding the request for supplemental funding for fiscal year 2001. The Memorandum of Understanding for this "bridge loan", in the amount of \$27,700.00, was signed by the Bureau on February 21, 2001, and the first installment of \$10,000 was deposited into the EQB's Groundwater account on March 15, 2001.

On March 6th and 7th, Libby Chatfield, Kathy Coleman, Air Quality Board members Tom Hansen and Bob Foster, and Environmental Quality Board Chair, Ed Snyder, attended House and Senate Finance Committee Budget Hearings to support the Boards' "improvement above current level" funding request for fiscal year 2002. The Governor's budget has been revised to include the Boards' request. During these hearings there were no questions raised about the proposed increases or efforts made to remove those items from the Bureau of Environment's budget.

Also on March 7th, Libby Chatfield, Tom Hansen and Ed Snyder met with the Bureau of Environment Commissioner, Mike Callaghan to discuss the Boards' budgets, Board member appointments and some Environmental Quality Board issues related to rulemaking.

3. Legislative Update:

A DEP Reorganization Bill has been introduced during the current Legislative session. The purpose of Senate Bill No. 117 is to abolish the Bureau of Environment and change the Division of Environmental Protection to the Department of Environmental Protection. The DEP Director will become the Department Secretary and the Boards will be "transferred" to the Department. These proposed changes are not intended to affect the relationship between the DEP and the Boards.

4. Meeting Dates:

The Board members set future meeting dates for May 9, 2001, and June 13, 2001.

5. Brochure:

Previously the Board approved the content of the draft brochure and Robert Foster asked Charles Ryan & Associates for assistance in designing the layout of the brochure. Mr. Foster informed the Board members that the company is no longer providing such assistance on a gratis basis. Ms. Chatfield stated that the staff would contact the DEP to determine whether they have an "in-house" graphic artist to assist the Board with the brochure layout.

II. Appeals

1. 00-04-AQB (Libby):

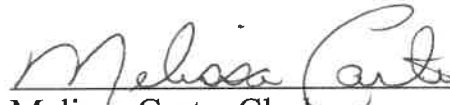
Appeal #00-04-AQB was filed on November 6, 2000. On March 12, 2001, the parties filed a Consent Order that specifically withdrew the Appeal. In addition, on March 16, 2001, the Appellant filed a Praecipe to Discontinue Appeal which stated that the "Appellant, H.L. Libby Corporation hereby withdraws the above-referenced Appeal". Normally, the withdrawal of an appeal does not require additional Board action and the appeal would simply be removed from the Board's docket. However, because the Appellant filed the withdrawal of the Appeal as a Praecipe to Discontinue Appeal, the Board directed Ms. Charles to contact the Appellant to determine what additional action they are requesting from the Board.

2. 00-05-AQB (Neiswonger):

Appeal #00-05-AQB (Neiswonger) was filed on November 7, 2000. On March 16, 2001, the parties filed a Consent Order that resolved the issues of the Appeal and which specifically withdrew the Appeal. The Consent Order does not require action by the Board and the Appeal has now been removed from the Board's docket.

WHEREUPON, at 9:35 a.m., Mr. Foster moved and Mr. Calvert seconded that the March 22, 2001, Air Quality Board meeting be adjourned and the motion passed unanimously 7 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on March 22, 2001, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on May 9, 2001, 2001.



Melissa Carte, Clerk