



AIR QUALITY BOARD

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WEST VIRGINIA AIR QUALITY BOARD

MINUTES

July 11, 2001

I. General

On July 11, 2001, a quorum of the members of the Air Quality Board met. The meeting was held at the Board's office located at 1615 Washington Street, E., Suite 301, Charleston, West Virginia. The Chair, Jean Neely, called the meeting to order at 9:05 a.m.

The Board members present were:

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

Board Members absent were:

Dick Calvert

Others present were:

Becky Charles, Attorney

Melissa Carte, Clerk

Kathy Coleman, Administrative Secretary

II. Administrative Matters

1.) Review and Approval of May 9, 2001, Minutes of the AQB Meeting:

The minutes of the May 9, 2001, Air Quality Board meeting were presented to the Board for consideration. Whereupon, Mr. Foster moved and Mr. Hansen seconded that the minutes of the May 9, 2001, Air Quality Board Meeting, as written, be adopted and the motion passed unanimously 6 to 0.

2.) Budget Report:

Whereupon, Kathy Coleman provided the Board members with a brief fiscal year 2001 year-end budget update. During the year, the Board purchased two new computers, a server and router, a scanner, back-up software, two CD read/write drives, additional computer memory, software upgrades, and various office supplies. Though the fiscal year 2001 ended on June 30th, the year remains open on the financial system in order to post the June invoices received in July. Ms. Coleman anticipates a remaining budget balance of \$1,500 in the Environmental Quality Board's Groundwater account. Funds in this account can be carried forward each year.

Ms. Coleman then provided the Board members with the fiscal year 2002 budget and expenditure schedules. The staff members were given merit increases which become effective on July 15, 2001 (fiscal year 2002). After the Board members have had the opportunity to review the information, Ms Coleman will provide a more detailed budget analysis.

Ms. Coleman suggested adding an "Accounts Payable" line item to the monthly budget report in order to include expenses incurred but not yet paid since this would provide a more accurate monthly financial update. Tom Hansen asked that these expenditures be broken down and reported within each specific line item, (such as office supplies, printing or rental, etc.) rather than reported as a single "Accounts Payable" line item. The other

Board members concurred with this request. Ms. Coleman stated that the next monthly budget report would reflect this change.

3.) Memorandum of Understanding from the Bureau of the Environment:

The WV Environmental Quality Board and the WV Air Quality Board received 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.

According to the terms of the Memorandum of Understanding for the \$27,700.00 "bridge loan" from the Bureau, the Boards would not be required to repay the loan if the supplemental funding was not approved by the Legislature. The requested supplemental funding was not approved.

During the May 9, 2001, AQB Meeting, the Board directed Ms. Chatfield to draft a letter to Randy Huffman, of the Department of Environmental Protection, informing him that the Boards did not receive the supplemental funding and confirming the Board's understanding that the Boards' would not be required to repay the bridge loan. The Board members were informed that the WV Department of Environmental Protection has not responded to the Boards' letter. After discussion, the Board decided not to take any further action on the matter.

III. Appeals

1.) Appeal #01-01-AQB (Aquila Dock):

This Appeal was filed with the Board on March 6, 2001, and set for hearing on May 9, 2001. On April 30, 2001, the parties filed a joint Motion for Continuance citing ongoing negotiations that would likely settle the Appeal without a hearing. The continuance was granted and the hearing was scheduled for the June 13, 2001, Air Quality Board meeting.

On June 6, 2001, the Appellant filed a Motion for Continuance for a medical reason and because the parties were finalizing the technical details of a settlement. The Board chair granted the continuance and scheduled the hearing for July 11, 2001.

However, on July 3, 2001, the parties again filed a joint Motion for Continuance stating that although they had reached an agreement in principle they were still negotiating in good faith on certain details of the settlement proposal. The Board Chair granted the continuance but informed the parties that the Board will not grant any further continuances based on assertions that the issues of the Appeal have been settled but that the parties need more time to finalize the details of a settlement. If the Appeal is not settled by the next Board meeting, the Board will, barring any unforeseen circumstances, require the parties to appear before it on August 15, 2001, for a hearing.

2.) Appeal #01-04-AQB (Starvaggi):

This Appeal was filed with the Board on May 21, 2001, and scheduled for hearing on July 11, 2001. On July 5, 2001, the parties filed a joint Motion for Continuance requesting additional time to continue discussion on the matter which is the subject of the appeal. The Motion was granted and the hearing was scheduled for August 15, 2001. The parties were informed that the Board will not grant any further continuances based on assertions that the parties want to continue discussions or that the parties want to negotiate a settlement agreement. If the parties have not settled this Appeal and/or withdrawn the Appeal by August 13, 2001, the Board will, barring any unforeseen circumstances, require the parties to appear at the August 15, 2001, Board meeting for a hearing.

IV. Other Business

1.) Election of the Air Quality Board Chair:

At the AQB's first meeting in a new fiscal year the Board members elect a Chair to preside over the meetings and hearings of the Board during such fiscal year. Whereupon, Mr. Foster moved and Mr. Koon seconded that Tom Hansen be elected as the Chair of the Board for the fiscal year 2002, and the motion passed unanimously 5 to 0, with Mr. Hansen abstaining.

After the election of a new Chair, Mrs. Neely left the meeting. Mrs. Neely's term on the Board expired on June 30, 2001, and to date she has not received a letter of re-appointment. Mrs. Neely stated that she is uncomfortable serving as a Board member without a current active appointment.

2.) Election of the Air Quality Board Vice Chair:

Board members must also elect a Vice Chair to assume the Chair's duties in the absence of the Chair. Whereupon, Mr. Foster moved and Mr. Curtis seconded that Mike Koon be elected as the Vice Chair of the Board for the fiscal year 2002, and the motion passed unanimously 4 to 0, with Mr. Koon abstaining.

3.) Review of the Department of Environmental Protection Organizational Chart:

The Board members were provided with a copy of the Department of Environmental Protection's revised organizational chart for review.

4.) Discussion of Joint Meeting of the Environmental Quality Board and Air Quality Board:

One of the purposes of conducting a joint meeting between the Air Quality Board and the Environmental Quality Board is to coordinate the yearly personnel reviews. The Air Quality Board members were provided with the dates proposed by the Environmental Quality Board, which were December 19th or 20th. After discussion, the Air Quality Board members selected December 19th as the date for the joint Board meeting.

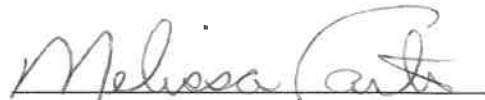
In addition, the Board members scheduled meetings for September 12th, October 10th, and November 14th.

5.) Brochure:

The Board members were provided with a copy of the color version of the Air Quality Board brochure as created by the graphic artist. After review, the members approved the brochure and directed the staff to proceed with the project.

Whereupon, at 10:30 a.m., Mr. Foster moved and Mr. Frame seconded that the July 11, 2001, meeting of the Air Quality Board 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 July 11, 2001, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on August 15, 2001.


Melissa Carte, Clerk