



AIR QUALITY BOARD

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WEST VIRGINIA AIR QUALITY BOARD

MINUTES

NOVEMBER 14, 2001

I. General

On November 14, 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, Tom Hansen, called the meeting to order at 9:00 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:

Dick Calvert
Randy Curtis, designee of the Commissioner of the WV Bureau for Public
Health
Mike Koon (joined the meeting at 9:15)

Others present were:

Becky Charles, Attorney
Melissa Carte, Clerk
Libby Chatfield, Office Supervisor

II. Administrative Matters

1.) Review and Approval of August 15, 2001, Minutes of the AQB Meeting:

The minutes of the August 15, 2001, Air Quality Board meeting were presented to the Board for consideration. Whereupon, Mr. Foster moved and Mr. Frame seconded that the minutes of the August 15, 2001, Air Quality Board meeting, as written, be adopted and the motion passed unanimously 5 to 0.

2.) Review of the July 11, 2001, meeting minutes as approved by the Board on August 15, 2001:

The Board members were informed that the July 11, 2001, meeting minutes contained a sentence that should be reviewed for accuracy. The sentence provided that Ms. Neely "is uncomfortable participating in the meetings until such time as she is re-appointed by the Governor." Whereupon, Mr. Frame moved and Mr. Curtis seconded that the language of the July 11, 2001, Board meeting minutes be revised to provide that "Ms. Neely stated that she is not comfortable serving as a Board member without a current active appointment." and the motion passed unanimously 5 to 0.

Whereupon Mr. Koon joined the meeting telephonically.

3.) Budget Report:

The Board members were informed that Ms. Coleman was not available to present the budget report since she is off from work due to an illness. The Board members briefly reviewed the report and asked Ms. Chatfield why the PEIA insurance premium expenditure is currently at 50% of the total projected expenditure amount in the fourth month of the fiscal year. Ms. Chatfield stated that she would discuss the matter with Ms. Coleman and update the Board during the December 19th meeting.

4.) Discussion of Items for Joint Meeting Agenda:

The Board members were informed that the WV DEP Secretary, Mr. Mike Callaghan will be attending the December 19, 2001, joint meeting of the Air Quality Board and the Environmental Quality Board. In addition, the Board members requested that several items including: budget matters, e-mail problems, the web site, equipment upgrades, and updates on the progress which the staff has made on the various goals which were established by the Boards, be placed on the joint meeting agenda.

In addition, the Board members determined that the Director of the Division of Air Quality should be invited to an Air Quality Board meeting prior to any significant action being taken on the Board's budget. Discussions with the Director regarding the status of the Title 5 permit applications could be a good resource tool when preparing the budget since clearing up the current backlog could affect the number of appeals filed with the Board. Ms. Coleman could then consider the potential number of appeals that may be filed and the projected Board meetings required to address these appeals when preparing the Air Quality Board's budget.

III. Appeals

1.) Appeal #01-05-AQB (Columbia Natural Resources):

Appeal #01-05-AQB (Columbia Natural Resources) was filed with the Board on June 25, 2001, and set for hearing on August 15, 2001. On August 6, 2001, the Board Chair granted a continuance and set the appeal for hearing on September 12th. On September 10, 2001, the Board Chair granted the parties another continuance since the parties informed the Board that ongoing settlement negotiations would likely resolve the issues of the appeal without the need for a hearing.

On November 9, 2001, the parties filed a Consent Order which withdrew the appeal. After reviewing the Consent Order the Board members requested that the parties submit a comparison document which explains how the complex issues of the appeal were resolved by the parties.

Since the appeal was withdrawn by the Appellant no further action was taken by the Board, and Appeal #01-05-AQB was removed from the Board's docket.

2.) Appeal #01-06-AQB (Lackawanna):

Appeal #01-06-AQB was filed on August 27, 2001, and set for hearing on September 20, 2001. The Board Chair granted a continuance and the hearing was rescheduled for November 14, 2001. On November 9, 2001, the Board Chair granted another continuance since the parties informed the Board that ongoing settlement negotiations would likely resolve the issues of the appeal without the need for a hearing. The hearing on the appeal was then scheduled for December 19, 2001, and the parties were informed that the Board would not grant any further continuances based on assertions that the parties want to continue discussions or settlement negotiations.

3.) Appeal #01-07-AQB (Kanawha River Terminals):

Appeal #01-07-AQB (Kanawha River Terminals) was filed with the Board on September 19, 2001, and set for hearing on November 14, 2001. On November 8, 2001, the Board Chair granted a continuance since the parties informed the Board that ongoing settlement negotiations would likely resolve the issues of the appeal without the need for a hearing. The hearing on the appeal was then scheduled for December 19, 2001, and the parties were informed that the Board would not grant any further continuances based on assertions that the parties want to continue discussions or settlement negotiations.

4.) Appeal #01-08-AQB (Delbarton Mining):

Appeal #01-08-AQB (Delbarton Mining) was filed with the Board on October 12, 2001, and is currently scheduled for hearing on December 19, 2001. However the December 19th meeting is the joint meeting with the Environmental Quality Board which would preclude the Air Quality Board from hearing the appeal at that time. Therefore, if the appeal does not settle prior to December 19th, the Board instructed Ms. Charles to continue the hearing on the appeal until the January 9, 2002, Board meeting.

IV. Other Business

WHEREUPON, at 9:50 a.m., Mr. Foster moved and Mr. Calvert seconded that the November 14, 2001, 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 November 14, 2001, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on December 19, 2001.



Melissa Carte, Clerk