



AIR QUALITY BOARD

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MINUTES

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AUGUST 7, 2002

I. General

On August 7, 2002, 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, Mike Koon, called the meeting to order at 9:00 a.m.

The Board members present were:

Mike Koon, Chair

Dick Calvert

Robert Foster

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

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

Absent Board members were:

Jean Neely

Tom Hansen

Others present were:

Becky Charles, Attorney

Melissa Carte, Clerk

Libby Chatfield, Office Supervisor

Kathy Coleman, Administrative Secretary

Whereupon, the Board addressed the issues set forth in the Agenda as follows:

II. Administrative Matters

1.) Election of Air Quality Board Vice Chair:

Mr. Koon moved and Mr. Frame seconded that Bob Foster be selected to serve as the Vice Chair of the Air Quality Board for fiscal year 2003, and the motion carried unanimously 5 to 0.

2.) Review and Approval of the minutes of the July 10, 2002, AQB Meeting:

The minutes of the July 10, 2002, Air Quality Board meeting were presented to the Board for consideration. Whereupon, Mr. Foster moved and Mr. Calvert seconded that the minutes of the July 10, 2002, Board meeting, as written, be adopted, and the motion carried unanimously 5 to 0.

3.) Budget Report:

Ms. Coleman reviewed the Fiscal Year (FY) 2003 Budget Analysis and expenditure schedules as provided to the Board in a memo dated August 1, 2002. A copy of the budget analysis is attached to and made a part of these minutes as Exhibit "A". The Boards' combined budget for FY 2003 is \$339,145. Of that amount, \$20,796 has been budgeted as uncommitted funds, which are funds available in excess of all projected expenses.

Also, the WV Equal Pay Commission analyzed the pay of state employees in regards to gender equity. The submitted report concluded that certain female-dominated job classifications are paid less than male dominated classifications of comparable character. As a result Melissa Carte qualified to receive a \$264 annual pay increase. The funding for the increase was provided by the Legislature.

4.) Purchase Card Report:

The State Auditor's office is requiring that all boards and commissions be provided with a quarterly report of all purchasing card transactions made by the staff. A copy of the report is also sent to the Purchasing Card Program section of the State Auditor's Office. Ms. Coleman provided the Board members with the Purchasing Card Report for the months of April 2002 through June 2002. In addition, she provided a copy of the BB&T Visa Card statements for their review. The Board members did not have any questions or concerns regarding any of the transactions on the report or the Visa Card statements. A copy of this report is attached to and made a part of these minutes as Exhibit "B". Whereupon, after a review, Mr. Foster moved and Mr. Frame seconded that the Board approve the report, and the motion carried unanimously 5 to 0.

5.) Update on the Board's Website:

The Board members were informed that the website, with the exception of a few minor corrections, is complete. Matthew Thornton, who is the Board's web designer, has provided some staff training on updating the website and is also working with the WV Treasurer's office to establish the procedure by which individuals can pay for FOIA request responses with credit card directly on line.

6.) Schedule future dates for Air Quality Board meetings :

The Board scheduled meetings for October 28th, November 18th, and also suggested that a joint meeting with the Environmental Quality Board be scheduled for December 16th.

7.) Board Member Appointments:

Mr. Koon informed the other Board members that he had contacted Chip Slaven of the Governor's office, regarding Board member appointments. Mr. Slaven stated that they have been reviewing the Board and are close to finalizing a decision on appointments. In addition, he accepted Mr. Koon's email as a formal recommendation from the Air Quality Board, that Mr. Foster be reappointed to the Board.

In addition, although the statute which creates the WV Air Quality Board provides that Board members are to be appointed to five-year terms, when Mr. Hanson was re-appointed to the Board in 2000, he was inadvertently appointed to a four-year term. This four-year term was approved by the WV Legislature. Consequently, the appointments of both Tom Hansen and Mike Koon will expire in June 2004, instead of on a rotating basis. Mr. Slaven stated that in order to correct the appointment scheduling process, Mr. Hansen, at the end of his current appointment, would probably be appointed for a term of one year.

8.) Review the calendar of events for the months of August and September:

The Board members reviewed the calendar highlighting the various administrative deadlines and important events for the months of August and September 2002.

II. Appeal Matters

1. Appeal #02-05-AQB:

Appeal #02-05-AQB (Aurora Acquisition) was filed with the Board on May 2, 2002. The Appellee filed a Motion to Dismiss the Appeal; a Motion for Judgment on the Pleadings; and a Motion for Summary Judgment. The Board was scheduled to hear the arguments regarding the Appellee's Motions and to conduct the evidentiary hearing if necessary, during the August 7, 2002, Board meeting. However, on August 6, 2002, the parties filed a Consent Order in which the Appellant withdrew the appeal.

2. Appeal 02-06-AQB:

Appeal #02-06-AQB (American Bituminous) was filed with the Board on May 3, 2002, and was scheduled for hearing during the August 7, 2002, Board meeting. However, on August 6, 2002, the parties filed a Consent Order in which the Appellant withdrew the appeal.

3. Appeal #02-09-AQB:

Appeal #02-09-AQB (American Fiber Resources) was filed with the Board on May 13, 2002, and was scheduled for hearing during the August 7, 2002, Board meeting. However, on August 6, 2002, the Appellant notified the

Board that the parties had agreed on the terms of a Consent Order which resolved the issues pending before the Board and withdrew the appeal.

4. Appeal #02-10-AQB:

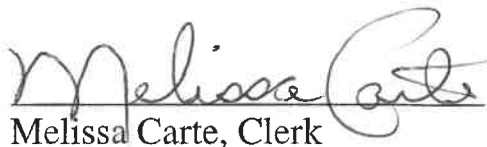
Appeal #02-10-AQB (Michael Abshire) was filed with the Board on May 23, 2002. The Appellant appealed the permit issued to Columbia Natural Resources for a new compressor station in Branchland, Lincoln County, WV, and objected to several issues including the noise generated by the operation and the nitrogen oxides emissions. The Board held a hearing on the matters of the appeal prior to convening the regular Air Quality Board meeting. A transcript of that hearing is on file in the Board's office for review.

5. Appeal #02-11-AQB:

Appeal #02-11-EQB (Capitol Cement) was filed with the Board on May 23, 2002, and was scheduled for hearing during the August 7, 2002, Board meeting. However, on July 26, 2002, the Appellee filed a Motion to Dismiss the appeal. During the August 7, 2002, Air Quality Board meeting the Board conducted a hearing only on the Appellee's Motion to Dismiss and after such hearing denied the Appellee's motion. A transcript of the hearing is on file in the Board's office for review. The evidentiary hearing was then set for September 16, 2002.

WHEREUPON, Mr. Calvert moved and Mr. Foster seconded that the August 7, 2002, 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 August 7, 2002, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on September 16, 2002.


Melissa Carte, Clerk