

## **MINUTES**

**May 6, 2003**

### **I. General**

On May 6, 2003, a quorum of the members of the Air Quality Board conducted a meeting at the Board's office located at 1615 Washington Street, E., 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

Tom Hansen

Randy Curtis, designee of the Bureau for Public Health

Doug Hudson, designee of the Commissioner of the WV

Department of Agriculture

\*Robert Foster – present during the morning portion of the evidentiary hearing conducted in Appeal #03-05-AQB (Hall)

Absent Board members were:

Jean Neely

Staff members present were:

Becky Charles, Attorney

Melissa Carte, Clerk

Libby Chatfield, Office Supervisor

Kathy Coleman, Administrative Secretary

## **II. Appeals**

### 1.) Appeal No. 03-05-AQB (Hall):

Appeal No. 03-05-AQB (Hall) was filed with the Board on March 17, 2003. The Air Quality Board conducted the evidentiary hearing regarding the issues of this appeal during the May 6, 2003, Board meeting beginning at 9:00 a.m. This hearing was recorded and transcribed by a certified court reporter and the hearing transcript is on file in the Board office for review.

Board Member Bob Foster attended the morning portion of the evidentiary hearing but was unable to participate in the hearing or Board meeting after the lunch break. At the conclusion of the evidentiary hearing in Appeal 03-05-AQB (Hall) the Board continued to discuss the additional agenda items as follows:

### 2.) Appeal No. 03-01-AQB (Elkem Metals):

Appeal No. 03-01-AQB (Elkem Metals) was filed with the Board on January 8, 2003, and was set for hearing during the May 6, 2003, Board meeting. However, on May 6, 2003, the counsel for the Appellant appeared before the Board to present a proposed Consent Order which resolved the issues of the appeal without the need for an evidentiary hearing. After discussion of the proposed order Mr. Hansen moved and Mr. Hudson seconded that the Air Quality Board approved the proposed Consent Order, and the motion carried unanimously 5 to 0. Appeal #03-01-AQB (Elkem Metals) was removed from the Board's docket.

### 3.) Appeal No. 03-03-AQB (Monongahela Power/Allegheny Energy):

Appeal No. 03-03-AQB (Monongahela Power/Allegheny Energy) was filed with the Board on February 7, 2003, and was set for hearing during the May 6, 2003, Board meeting. However, on May 6, 2003, Mr. Huson, counsel for the Appellee appeared before the Board to review a proposed Agreed Order which resolves the issues of the appeal without the need for an evidentiary hearing. After discussion of the proposed Order, Mr. Hansen moved and

Mr. Calvert seconded that the Board approve the proposed Agreed Order, and the motion carried unanimously 5 to 0. Mr. Huson stated that he did not yet have the original copy of the Agreed Order for the Board Chair's signature but would provide it to the Board within the next few days. The Board members directed Ms. Charles to sign the Agreed Order on behalf of the Board Chair. Appeal #03-03-AQB (Monongahela Power/Allegheny Energy) will be removed from the Board's docket once the Order is entered.

4.) Appeal No. 03-04-AQB (Hollinee):

Appeal No. 03-04-AQB (Hollinee) was filed with the Board on March 14, 2003, and was set for hearing during the May 6, 2003, Board meeting. However, the Board members were informed that on April 29, 2003, the Appellant withdrew the appeal. Appeal 03-04-AQB (Hollinee) was removed from the Board's docket.

5.) Appeal No. 03-06-AQB (Asbestos Consulting):

Appeal No. 03-06-AQB (Asbestos Consulting) was filed with the Board on March 19, 2003, and was set for hearing during the May 6, 2003, Board meeting. However, on April 30, 2003, the Appellant filed a letter with the Board requesting a continuance, citing ongoing settlement negotiations which may likely resolve the issues of the appeal without the need for an evidentiary hearing. The Board members were informed that on May 1, 2003, the Board Chair found that good cause existed to grant a continuance in this matter and consequently the evidentiary hearing, if necessary, will be conducted during the June 10, 2003, Air Quality Board meeting.

### **III. Administrative Matters**

1.) Review and Approval of the April 8, 2003, AQB Meeting Minutes:

The minutes of the April 8, 2003, Air Quality Board meeting were presented to the Board for consideration. After a review of the draft minutes, Mr. Hansen moved and Mr. Curtis seconded that the minutes of the April 8, 2003, Air Quality Board meeting, be adopted as written, and the motion carried unanimously 5 to 0.

## 2.) General Budget Report:

### a. Fiscal year 2004 Budget Update:

Ms. Coleman provided the Board members with a memo dated April 10, 2003, which highlights changes to the 2004 expenditure schedule that were made at the request of the Boards. Because of adjustments in Board members expense reimbursement, the projected 2004 budget shortfall decreased from \$8,965 to \$2,392. This memo is attached to these minutes as Exhibit "A".

### b. Monthly Budget Update:

Ms. Coleman provided the Board members with a memo dated May 2, 2003, which provided a financial update through April 30, 2003. As of April 30<sup>th</sup> which represents a ten month period or 83% of the fiscal year, the Boards have spent 76% of the combined budgets.

### c. Purchasing Card Report:

Ms. Coleman provided the Board members with a memo dated April 11, 2003, which contained the quarterly Purchase Card Report for their review. The report details the purchases made by authorized staff members for the months of January 2003 through March 2003. In addition, the Board members were provided with a copy of the BB&T statements. A copy of this report is attached to and made a part of these minutes as Exhibit "C".

After reviewing the Purchase Card Report and Bank statements, the Board members did not have any questions or concerns regarding the transactions made by authorized staff members. Whereupon, Mr. Hansen moved and Mr. Calvert seconded that the Board approved the Purchase Card Report for the months of January 2003, February 2003 and March 2003, and the motion carried unanimously 5 to 0.

## 3.) Schedule Future Board Meeting Dates:

The Board members scheduled an Air Quality Board meeting for Thursday, July 17, 2003, at 9:00 a.m.

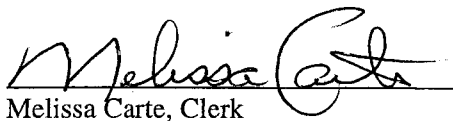
4.) Calendar of Events for the months of May and June:

The Board members reviewed the calendar of events for the months of May and June and noted that there no deadlines for the Board to meet during those months.

Ms. Coleman also provided the Board members with a quarterly report of the number of “hits” and “sessions” made on the Air Quality Bard website. To date there have been 4,637 AQB website hits and 1,915 AQB website sessions. The Air Quality Board website averages over 233 sessions each month. A copy of this report is attached to and made a part of these minutes as Exhibit “B”.

Whereupon, at 3:25 p.m., Mr. Hansen moved and Mr. Hudson seconded that the May 6, 2003, 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 May 6, 2003, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on August 21, 2003.

  
Melissa Carte, Clerk