

MINUTES

SEPTEMBER 16, 2002

I. General

On September 16, 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

Tom Hansen

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

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:

I. Appeal Matters

1. Appeal #02-10-AQB:

Appeal #02-10-AQB (Michael Abshire) was filed with the Board on May 23, 2002, and the Board conducted an evidentiary hearing during the August 7, 2002, Board Meeting. The parties were provided with the opportunity to submit proposed Findings of Fact and Conclusions of Law, and Responses to such submissions. During the September 16, 2002, Board meeting, after review and discussion, the Board issued a Final Order in this case, granting the Intervenor's and Appellee's Motion for Summary Judgment. The Board's discussion on this matter is not subject to the Open Governmental Proceedings Act. Appeal #02-10-AQB (Michael Abshire) was removed from the Board's docket.

2.) Appeal #02-12-AQB:

Appeal #02-12-AQB (Bruce Hardwood) was filed with the Board on June 18, 2002, and was scheduled for hearing during the September 16, 2002, Air Quality Board meeting. However, on September 16, 2002, the parties submitted a Consent Order to the Board, which withdrew the appeal. After reviewing the Consent Order, Mr. Foster moved and Mr. Frame seconded that the Board accept the Consent Order, and the motion passed unanimously 6 to 0. Appeal #02-12-AQB (Bruce Hardwood) was removed from the Board's docket.

3. Appeal #02-11-AQB:

Appeal #02-11-AQB (Capitol Cement) was filed with the Board on May 23, 2002. Although the Board was originally scheduled to conduct the evidentiary hearing on the matters of the appeal during September 16, 2002, Board meeting, both parties filed a Motion for Summary Judgment. Prior to convening the regular Air Quality Board meeting, the Board held a hearing on only the parties Motions for Summary Judgment. A transcript of that hearing is on file in the Board's office for review.

At the conclusion of the hearing both parties opted not to submit proposed Findings of Fact and Conclusions of Law. After discussions, the Board directed Ms. Charles to draft a Final Order that reflects their decision in the matter. The Final Order will be reviewed by the Board Chair before it is entered and issued to the parties of the appeal. Appeal #02-11-AQB (Capitol Cement) was removed from the Board's docket.

II. Administrative Matters

1.) Review and approval of the minutes of the August 7, 2002, AQB meeting:

The minutes of the August 7, 2002, Air Quality Board meeting were presented to the Board for consideration. Mr. Foster moved and Mr. Frame seconded that the minutes of the August 7, 2002, Air Quality Board meeting, as written, be approved, and the motion passed unanimously 6 to 0.

2.) Budget Report:

Ms. Coleman provided the Board members with a budget report detailing the expenses paid and accrued to date (July and August) during fiscal year 2003. A copy of this report is attached to and made a part of these minutes as Exhibit "A".

The Boards' fiscal year 2004 budget appropriation request has been reviewed by the Division of Environmental Protection and will be submitted to the State Budget office. An impact statement outlining the effects of the 10% budget reduction to the Boards' operation was included with the submission. The budget cut will result in a \$10,000 reduction in the AQB's budget and a \$16,000 reduction in the EQB's budget.

The Boards currently have \$20,796 in uncommitted funds. Discussion of the appropriation and expenditure of these uncommitted funds will be placed on the agenda for the December 16, 2002, joint meeting of the Air Quality Board and the Environmental Quality Board.

3.) Update on the Board's Website:

The Board's website is basically complete. The site is accessible directly at www.state.wv.us/aqb or from the WV DEP's home page. Ms. Coleman is

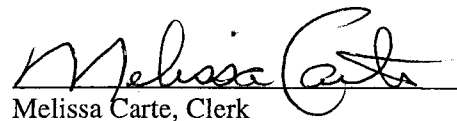
currently working with Mat Short, of ISAC, to establish a link to the Boards websites from the State of WV Home page.

4.) Review the calendar of events for the months of September and October:

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

WHEREUPON, Mr. Calvert moved and Mr. Foster seconded that the September 16, 2002, 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 September 16, 2002, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on November 18, 2002.


Melissa Carte, Clerk