

MINUTES

NOVEMBER 18, 2002

I. General

On November 18, 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:

Dick Calvert
Robert Foster
Tom Hansen

Board members participating telephonically were:

Mike Koon, Chair
Randy Curtis, designee of the Commissioner of the WV Bureau for Public Health
Doug Hudson, 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

Mr. Doug Hudson was introduced to the Air Quality Board members. He has been selected by the WV Department of Agriculture's Commissioner Douglas to serve as that Department's representative on the Air Quality Board.

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

II. Administrative Matters

1.) Review and approval of the minutes of the September 16, 2002, AQB meeting:

The minutes of the September 16, 2002, Air Quality Board meeting were presented to the Board for consideration. Mr. Foster moved and Mr. Hansen seconded that the minutes of the September 16, 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 during fiscal year 2003. As of October 31, 2002, the Boards have spent 30% of the combined budgets and total expenditures remain slightly lower than projected. A copy of this budget report is attached to and made a part of these minutes as Exhibit "A".

3.) Purchase Card Report:

The State Auditor's office is requiring that all boards and commissions be provided with a report of 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 July 2002 through September 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 regarding any of the transactions on the report or visa card statements. Whereupon, Mr. Foster moved and Mr. Hansen seconded that the Board accept the Purchase Card report and the motion carried unanimously 6 to 0. A copy of this report is attached to and made a part of these minutes as Exhibit "B".

4.) Update on the Board's Website:

The Board's website is complete and has been officially launched. The site is accessible directly at www.state.wv.us/aqb, from the WV DEP's home page or from the State of WV homepage. On October 31, 2002, a notice of the completion of the website was sent to everyone in the Boards' e-mail address book, which consists of over 225 individuals and companies. The staff has received positive feedback and comments on the websites. To date, the AQB has received over 1,440 hits and 593 sessions. The Board then requested that the staff track the number of hits for both websites each month.

5.) Review the calendar of events for the months of November and December:

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

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

The Board members scheduled future Board meetings for January 14, 2003, and February 11, 2003.

7.) National Judicial College:

The Board members were provided with a listing of judicial courses currently being offered by the National Judicial College. One such course offers specialized training for administrative law adjudicators. Ms. Charles stated that she found this course very helpful and informative, and encouraged any Board member who is interested to attend.

III. Appeal Matters

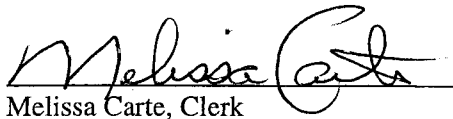
The Board members determined that all Final Orders issued by the Air Quality Board will be considered "entered" on the day that the final draft is approved and/or signed by the Board Chair, and not the day on which the Board actually makes the decision on the appeal.

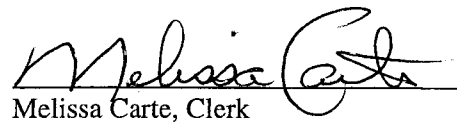
1. Appeal #02-11-AQB:

Appeal #02-11-AQB (Capitol Cement) was filed with the Board on May 23, 2002, and after a hearing, the Board issued a Final Order granting the Appellee's Motion for Summary Judgment. Subsequently, the Appellant filed a Motion for Clarification and Reconsideration of that Final Order and the Appellee filed a Motion to Dismiss the Appellant's Motion for Clarification and Reconsideration. Response motions were also filed. After review and discussion of the various motions, the Board directed Ms. Charles to draft an Order Denying the Appellant's Motion for Clarification and Reconsideration. That 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.

WHEREUPON, Mr. Calvert moved and Mr. Foster seconded that the November 18, 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 November 18, 2002, by the West Virginia Air Quality Board. These minutes were approved by the Air Quality Board on February 11, 2003.


Melissa Carte, Clerk


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