

**WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD AND AIR QUALITY BOARD**

601 57th St., SE
Charleston, West Virginia 25304
(304) 926-0445

MINUTES

**WEST VIRGINIA AIR QUALITY BOARD
AND ENVIRONMENTAL QUALITY BOARD**

OCTOBER 14, 2004

JOINT MEETING

On October 14, 2004, a quorum of the members of the Air Quality Board and a quorum of the members of the Environmental Quality Board met at its offices located at 601 57th St., SE., Charleston, West Virginia. AQB Chair Tom Hansen and EQB Chair Ed Snyder called the meeting to order at 10:00 a.m.

Air Quality Board members present were as follows:

Tom Hansen,
Dick Calvert
Robert Foster
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 were AQB Board members:

Mike Koon
Jean Neely

Environmental Quality Board members present were as follows:

Ed Snyder, Chair
Edward C. Armbrrecht, Jr.

Environmental Quality Board members participating by teleconference were as follows:

Cameron Hackney
Scott Simonton

Staff members present were as follows:

Libby Chatfield
Becky Charles
Kathy Coleman

Whereupon, the Air Quality Board and the Environmental Quality Board addressed the administrative matters set forth in the Agenda as follows:

Administrative Matters

1. Personnel Matters:

The Board members were informed that Ms. Charles has resigned her position as legal counsel for the Air Quality Board and the Environmental Quality Board effective October 31, 2004. The Boards cannot handle legal matters or conduct evidentiary hearings without an attorney but may not have the funds to hire a replacement for Ms. Charles. The Board discussed hiring a part-time attorney or using the State Attorney General's office to provide legal assistance on a temporary basis.

2. Budget Update:

The Board members then discussed current budget issues. The current combined budget for fiscal year 2005 is \$267,882. Based on projected expenditures, the Boards are anticipating a \$55,000 budget shortfall for fiscal year 2005.

In order to address this shortfall the Air Quality Board members recommended that the Boards cease conducting meetings as of November 1, 2004, since by discontinuing meetings the Boards would have sufficient funds to cover operating expenses and staff salaries for fiscal year 2005.

Ms. Coleman then provided the Boards with budget reports which detail projected expenses for the Air Quality Board and the Environmental Quality Board from November 2004 through June 2005. The figures contained in the report were calculated based on the following assumptions: the Air Quality Board and the Environmental Quality Board will cease to conduct meetings after November 1, 2004, through June 2005, and that no salary or benefits will be paid for the position of legal counsel after November 1, 2004 through June 2005.

The Air Quality Board budget for fiscal year 2005 is \$97,514. Based on the projected expenses and the assumptions outlined above, the Air Quality Board will end the fiscal year with a balance of \$27,541.11. The Environmental Quality Board budget for fiscal year 2005 is \$170,368. Based on the projected expenses and the assumptions outlined above, the Environmental Quality Board will end the fiscal year with a balance of \$24,134.61. This results in a combined ending balance for fiscal year 2005 of \$51,675.00. A copy of these budget reports are attached and made a part of these minutes as Exhibit "A".

However, some members of the Environmental Quality Board did not agree with the recommendation of the Air Quality Board. Instead they contended that the Boards should continue to conduct meetings until all funds are expended and then lay off staff and close the Boards' offices.

After further discussion, no decision was made on the issue. The Boards' Chairs will attempt to contact the Governor's office in an effort to have the budget shortfall added to the agenda of an upcoming special legislative session. The Boards will conduct another joint meeting on October 29, 2004, to discuss the Governor's response and to reach a final decision on the budget matter.

Whereupon, Mr. Calvert moved and Mr. Foster seconded that the October 14, 2004, joint meeting of the Air Quality Board and Environmental Quality Board be adjourned, and the motion passed unanimously 9 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the joint meeting held on October 14, 2004, by the West Virginia Air Quality Board and the West Virginia Environmental Quality Board. These minutes were approved by the WV Air Quality Board on December 14, 2004, and by the Environmental Quality Board on December 9, 2004.



Handwritten signature of Melissa Carte in cursive script, written over a horizontal line.

Melissa Carte, Clerk