



BUREAU OF THE ENVIRONMENT
ENVIRONMENTAL QUALITY BOARD
1615 Washington Street, East, Suite 301
Charleston, West Virginia 25311-2126
(304) 558-4002
Fax: (304) 558-4116

MINUTES
WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
JULY 15, 1999

I. General

The West Virginia Environmental Quality Board ("the Board") met on July 15, 1999, at 8:15 a.m. The meeting was held at 1615 Washington Street, E., Charleston, West Virginia. Edward M. Snyder, Chair of the Environmental Quality Board called the meeting to order.

Board members present were:

Edward Snyder, Chair
Charles Jenkins
David Samuel
Donald Tarter by telephone for appeal decisions and for short discussion following chair election. Present after 6:30 p.m.

Staff members present were:

Libby Chatfield, Technical Advisor
Becky Charles, Legal Counsel
Ann Holstein, Administrative Secretary

II. Appeals

A. WV Chamber of Commerce - Appeal No. 99-02-EQB

The parties stated that they have an agreement in principle but wanted time to finish a written agreement. They plan on presenting a Consent Order to the Board. The Board said they

wanted to set this case for a Status Report on August 12, 1999, if the Consent Order has not been received. This case will be set for hearing on September 17, 1999, if a settlement is not reached.

III. Minutes

A. June 25, 1999

Two changes were made to the minutes. Dave Samuel was not in attendance at the June meeting so his name needed to be removed from the Board members present and change Dave Samuel to Betsy Dulin on page 5 in the second paragraph. Bob Jenkins moved to accept the June 25, 1999 minutes as modified. Dave Samuel seconded this motion which carried by unanimous vote.

B. June 28, 1999

Dave Samuel moved to accept the minutes as presented. Bob Jenkins seconded the motion which carried by unanimous vote.

IV. Budget

Ann Holstein presented the Board with a budget report. Ms. Holstein again voiced her concerns about a predicted shortfall for this fiscal year. The Board directed Ms. Holstein to prepare a report to be mailed to Board members. The report will be addressed by the Board in August. It should outline expenditures, the decrease in funding from the Groundwater Program in the Office of Water Resources, the increase of work due to the Board's functions, increase in rent, salaries and the report will show an analysis of the last 12 months to determine when the shortfall can be expected. It is possible that the analysis will show that 4-5 meetings can not be held due to budgetary constraints. Dave Samuel requested that the budget be monitored until December of this year to compare and see how many more times we can meet.

V. Legislative Audit

Libby Chatfield updated the Board on the Legislative Audit report given to the Legislative committee on July 11, 1999. Ms. Chatfield pointed out that budget concerns were not addressed in this report but that we addressed this concern in our response. The Board requested a one page report that can be presented to the Legislature and the Commissioner on the expected budgetary shortfall as well as what progress the Board has made on Water Quality Standards including the efforts made by the Board on the body burden issues as well as the antidegradation issues. The Legislative Committee will meet again in November/December to monitor the Board's activities on the antidegradation implementation policy.

IV. Chair Elections

Dave Samuel moved to nominate Don Tarter and Ed Snyder as Co-Chairs with Ed Snyder also serving as Vice-Chair. Bob Jenkins seconded the motion which carried by unanimous vote. The Board said that the Co-Chairs will sign orders. The Board also said that the staff would only have to call one Co-Chair to get approval or decision and that answer would speak for both Co-Chairs.

V. Appeal Decisions and Deliberations

This portion of the meeting is not subject to the requirements of the Open Meetings Act. These items were the Board's deliberations for making decisions in quasi-judicial proceedings. W. Va. Code § 6-9A-2(4).

A. Edmund L. Wright, et al - Appeal Nos. 98-01-EQB and 98-09-EQB

Dave Samuel moved for Becky Charles to polish the order and issue it. Bob Jenkins seconded the motion which carried by unanimous vote.

B. 7-Eleven, Appeal No. 99-03-EQB

Bob Jenkins moved to approve the parties' stipulation regarding discovery. Dave Samuel seconded the motion which carried by unanimous vote.

C. Lackawanna Transport Company & Valero Terrestrail Corporation - Appeal Nos. 98-11-EQB and 98-10-EQB

Dave Samuel moved to approve the order as written. Don Tarter seconded the motion which carried by unanimous vote.

VI. Public Hearing - 7:00 p.m.

This meeting was recorded by a Court Reporter and a transcript will be available for this meeting. The topic was the Public A use category. The Board also discussed the replacement of Pam Moe-Merritt on the Antidegradation Stakeholders Group with Joe Levitt.

Bob Jenkins moved to adjourn meeting. Don Tarter seconded this motion and the Chair adjourned the meeting.

We hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on July 15, 1999, by the West Virginia Environmental Quality Board.

Submitted this 13th day of August, 1999.

Approved by the Board as submitted on August 13th, 1999.



Libby Chatfield
Technical Advisor



Becky Charles
Legal Counsel



BUREAU OF THE ENVIRONMENT
ENVIRONMENTAL QUALITY BOARD
AIR QUALITY BOARD

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July 7, 1999

The Honorable Ken Hechler
Secretary of State
Administrative Law Division
Building 1, Room 157K
Charleston, WV 25305

RE: **Notice of Meeting for Publication**
in the West Virginia Register

Dear Mr. Secretary:

In accordance with Chapter 6, Article 9A of the West Virginia Code, notice is hereby given that the West Virginia Environmental Quality Board and Air Quality Board (the "Boards") will meet on July 16, 1999 at 9:00 a.m., at 1615 Washington Street, E., Charleston, Kanawha County, West Virginia. The Boards will consider the following agenda:

I. Administrative Matters

- A. Election of Air Quality Board officers
- B. Air Quality Board budget report
- C. Approval of Air Quality Board minutes from April 22, 1999.
- D. Bureau of Environment Building Consolidation
- E. Schedule hearing dates for Air Quality Board

II. Personnel Matters

- A. Interviews for Paralegal Opening

The Boards may also consider such business as it may deem timely and appropriate. The Boards will decide any motions that are ripe for decision. Portions of this meeting may not be subject to the Open Governmental Proceedings Act. Also, portions of this meeting may occur in an executive session.

Sincerely,

Ann Holstein
Administrative Secretary



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**MINUTES
WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
JULY 16, 1999**

I. General

On July 16, 1999, a quorum of the members of the Environmental Quality Board met. This meeting was held jointly with the members of the Air Quality Board. The Board met at its offices at 1615 Washington St., E., Charleston, West Virginia. Edward Snyder called the Environmental Quality Board meeting to order at 9:00 a.m.

The Board members present were as follows:

Edward Snyder, Co-Chair
Charles Jenkins
David Samuel

The absent members were as follows:

Donald Tarter, Co-Chair
Betsy Dulin

II. Personnel Interviews

The Board met with the members of the Air Quality Board. Together, the Boards voted to go into Executive Session for the purpose of conducting personnel interviews for the employment of a Clerk. The members of the two Boards proceeded to conduct the interviews.

At the conclusion of the interviews, the Boards selected three candidates to be interviewed again on July 21, 1999, by the chairs of both Boards and as many members as can attend.

III. Adjournment

The Board adjourned at 3:30 p.m..

I, Rebecca Charles, hereby certify that the foregoing is a true and correct records of the Environmental Quality Board's meeting held on July 16, 1999.

Submitted for approval on the 30th day of September, 1999.

Approved as submitted by the Environmental Quality Board on September 30, 1999.

Approved as amended by the Environmental Quality Board on _____.


Rebecca S. Charles, Legal Counsel