

ENVIRONMENTAL QUALITY BOARD

601 57<sup>th</sup> Street, SE  
Charleston, West Virginia 25304  
(304) 926-0445  
Fax: (304) 926-0486

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
MEETING MINUTES**

**March 16, 2006**

**I. General**

On Thursday, March 16, 2006, a quorum of the members of the Environmental Quality Board (hereinafter referred to as the "Board") conducted a public meeting at the Board offices located at 601 57<sup>th</sup> Street, S.E., Charleston, and Kanawha County, West Virginia. Dr. Snyder, Chair of the Board called the meeting to order at 9:00 a.m.

Board Members present:

Dr. Ed Snyder, Chair (By Telephone)  
Dr. James Van Gundy (By Telephone)  
Mr. William Gillespie  
Mr. Ted Armbrecht  
Dr. Scott Simonton

Staff Members Present were as follows:

Sandra Castillo, Clerk of the Boards  
Wendy Radcliff, Attorney for the Boards

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

**I. Administrative Matters**

- 1.) Review and approval of the Board Minutes from the January 12, 2006 meeting.
- 2.) Discussed Budget report provided by Kathy Coleman.

**Budget Reports:**

The Board members were provided with a financial update as of February 28, 2006. The Boards have spent 34% of the combined AQB/EQB budget which represents a seven-month period, 66% of the fiscal year.

The Board discussed and approved increasing Wendy Radcliff's part-time hours from 20 to 30 hours per week, which will be split between the Environmental Quality Board, Air Quality Board and the Surface Mine Board.

On February 8, 2006, Scott Simonton represented the Environmental Quality Board at the annual meeting with Delegate Frederick. As requested, staff provided Delegate Frederick with a complete summary of the disposition of cases that have been filed before the Boards.

The laptop computer was received on February 13, 2006.

Whereupon, Mr. Ambrecht moved and Mr. Gillespie seconded that the March 16, 2006, meeting be adjourned and the motion carried unanimously 5 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on March 16, 2006, by the West Virginia Environmental Quality Board. These minutes were approved by the Environmental Quality Board on 7th Day of April 2006.

A handwritten signature in cursive script that reads "Sandra Castillo". The signature is written in dark ink and is positioned above a horizontal line.

Sandra Castillo, Clerk



**AIR QUALITY BOARD AND ENVIRONMENTAL QUALITY BOARD**

601 57<sup>th</sup> Street, SE, Charleston, WV 25304  
Telephone: (304) 926-0445 Fax: (304) 926-0486  
e-mail: [clerk@wvaqbeqb.org](mailto:clerk@wvaqbeqb.org)

**MEMORANDUM**

**To:**           **Air Quality Board**                   **Environmental Quality Board**  
Mike Koon, Chair                   Edward Snyder, Chair  
John Calvert, Vice Chair         Scott Simonton, Vice Chair  
Randy Curtis                       Edward C. Armbrrecht, Jr.  
Bob Foster                         William H. Gillespie  
Tom Hansen                        James Van Gundy  
Doug Hudson

**From:**       Kathy Coleman

**Date:**        March 2, 2006

**Re:**          Budget Update

**Budget Reports**

Please see attached reports which provide a financial update through February 28, 2006:

- Air Quality Board - **Attachment 1**
- Environmental Quality Board - **Attachment 2**
- Environmental and Air Quality Boards Combined Budget - **Attachment 3**

As of February 28, 2006, the Boards have spent 34% of the combined budget which represents a seven month period, 66% of the fiscal year.

**February 8, 2006 Meeting - Delegate Frederick**

On February 8<sup>th</sup>, a representative from each division of the WVDEP met with Delegate Eustace Frederick for an annual update. Doug Hudson, Ex-Officio Member, AQB, and Scott Simonton, Vice Chair, EQB, represented the Boards. Please see attached summary that I prepared and distributed at the meeting (**Attachment 4**).

Topics of discussion included the purpose of the Boards, Board members' credentials, the appeal process, examples of appeals filed, final decisions by the Boards, cost saving measures and the funding proposed by the Governor's Budget Bill for fiscal year 2007. Additional information

was requested by Delegate Frederick; staff prepared the response and hand delivered it on February 10<sup>th</sup> (**Attachments 5 and 6**). If you would like any changes to your listing of credentials on Attachment 5, please let me know.

**Laptop Computer - New Purchasing Guidelines**

Effective December 2005, all purchases of computer equipment must be approved by the Department of Administration, Office of Technology, and ordered from vendor Lenovo (IBM product line), state contract IP06.

The request for the laptop computer was approved by the Department of Administration in January. The Boards purchased an IBM Thinkpad R52 at a cost of \$1,164. The laptop was received on February 13<sup>th</sup>.

If you have any questions, you may contact me at 926-0445, ext. 1682 or let me know during the next Board meeting.



**ENVIRONMENTAL QUALITY BOARD**  
Fiscal Year 2006  
Expenditures Paid and Accrued as of 2/28/06

EXPENDITURE	BUDGET*	JULY 05	AUG 05	SEPT 05	OCT 05	NOV 05	DEC 05	JAN 06	FEB 06	YTD	BALANCE	% SPENT
001 Salaries	33,812	1,401.00	2,463.75	2,818.00	2,818.00	2,855.50	2,855.50	2,855.50	2,855.50	20,922.75	12,889.25	61.88%
002 Per Diem	12,450	1,800.00		600.00	600.00	600.00	1,350.00	600.00	150.00	5,700.00	6,750.00	45.78%
001/002 Reserve / Per Diem and Salary Increases	10,000									0.00	10,000.00	0.00%
004 Annual Increment	125	125.00								125.00	0.00	100.00%
010 Personnel Fees	425		80.75		89.25			85.00		255.00	170.00	60.00%
011 Social Security	4,200	251.42	182.88	228.01	276.35	210.34	359.55	255.99	210.07	1,974.61	2,225.39	47.01%
012 Public Employees' Insurance	3,000	172.32	175.14	200.14	175.14	175.14	175.14	175.14	175.14	1,423.30	1,576.70	47.44%
014 Workers' Compensation	275				70.39			312.79		383.18	(108.18)	139.34%
015 Unemployment Compensation	250				86.79			53.21		140.00	110.00	56.00%
016 Pension / Retirement	3,900	160.25	258.72	295.92	295.92	299.84	299.84	299.84	299.84	2,210.17	1,689.83	56.67%
020 Office Supplies	1,500	10.40	160.59	183.40	85.07	10.40	91.72	206.50	150.00	898.08	601.92	59.87%
021 Printing / Copying Service	300									0.00	300.00	0.00%
024 Telecommunications	500					41.32				41.32	458.68	8.26%
025 Court Reporter Fees	5,500	242.50		848.00	1,115.00	890.75	230.75	2,277.87		5,604.87	(104.87)	101.91%
025 Other Professional Fees	700	97.50	60.00	99.52		20.37				277.39	422.61	39.63%
025 Legal Counsel Fees - AG's Office	28,000	1,078.00	1,097.25	1,463.00	1,078.00	1,116.50	1,058.75	1,200.00		8,091.50	19,908.50	28.90%
026 Travel - Board Members	13,800	716.07		691.16	721.42	536.32	890.68	202.87		3,758.52	10,041.48	27.24%
026 Travel - Staff	750									0.00	750.00	0.00%
027 Computer Services and Website Host	1,750	104.60	93.06	90.77	289.35	94.88	92.26	98.00	98.00	960.92	789.08	54.91%
031 Assoc. Dues and Professional Memberships	72						72.00			72.00	0.00	100.00%
032 BRIM Premium - Liability Insurance	1,880	469.75			469.75			469.75		1,409.25	470.75	74.96%
051 On Line Westlaw and Misc Expense	1,000	225.99	50.00	84.90	50.00	50.00	50.00	50.00	50.00	610.89	389.11	61.09%
052 Training and Development	1,000					65.85			150.00	215.85	784.15	21.59%
053 Postage	2,000	91.07	100.13	99.36	132.40	52.91	91.97	70.11	75.00	712.95	1,287.05	35.65%
054 Computer Supplies and Equipment	1,000					14.98			582.00	596.98	403.02	59.70%
077 Books / Periodicals	997	16.23	229.73	48.08	93.71			107.08		494.83	502.17	49.63%
110 PEIA Reserve Fund	400	14.00	25.00	28.00	28.00	28.00	28.00	28.00	28.00	207.00	193.00	51.75%
151 Debt Service to DEP - Principal	6,158	514.00	514.00	514.00	514.00	514.00	514.00	514.00	514.00	4,112.00	2,046.00	66.77%
152 Debt Service to DEP - Interest	13,183	1,098.00	1,098.00	1,098.00	1,098.00	1,098.00	1,098.00	1,098.00	1,098.00	8,784.00	4,399.00	66.63%
- Operating Expenses - DEP	8,844	743.00	743.00	743.00	743.00	743.00	743.00	743.00	743.00	5,944.00	2,900.00	67.21%
Exp. to Exp. FY 2005 Year-End (Fund 3275)		(4,763.07)								(4,763.07)	4,763.07	
Uncommitted Funds (Fund 3275-Groundwater)	82,147.27									0.00	82,147.27	0.00%
Less: FOIA Income										0.00	0.00	
<b>Total</b>	<b>239,918.27</b>	<b>4,568.03</b>	<b>7,332.00</b>	<b>10,133.26</b>	<b>10,829.54</b>	<b>9,418.10</b>	<b>10,001.16</b>	<b>11,702.65</b>	<b>7,178.55</b>	<b>71,163.29</b>	<b>168,754.98</b>	<b>29.66%</b>
*EQB Budget = \$157,771 (General Revenue) + \$82,147.27 (Groundwater/Special Operating) = \$239,918.27												

**AIR QUALITY BOARD AND ENVIRONMENTAL QUALITY BOARD**  
 Fiscal Year 2006  
 Expenditures Paid and Accrued as of 2/28/06

CODE	EXPENDITURE	BUDGET*	JULY 05	AUG 05	SEPT 05	OCT 05	NOV 05	DEC 05	JAN 06	FEB 06	YTD	BALANCE	% SPENT
001	Salaries - AQB	33,812	1,401.00	2,463.75	2,818.00	2,818.00	2,855.50	2,855.50	2,855.50	2,855.50	20,922.75	12,889.25	61.88%
001	Salaries - EQB	33,812	1,401.00	2,463.75	2,818.00	2,818.00	2,855.50	2,855.50	2,855.50	2,855.50	20,922.75	12,889.25	61.88%
002	Per Diem - AQB	7,200	900.00					450.00			1,350.00	5,850.00	18.75%
002	Per Diem - EQB	12,450	1,800.00		600.00	600.00	600.00	1,350.00	600.00	150.00	5,700.00	6,750.00	45.78%
001/002	Reserve / Per Diem and Salary Increases	14,000									0.00	14,000.00	0.00%
004	Annual Increment	250	250.00								250.00	0.00	100.00%
010	Personnel Fees	750		142.50		157.50			150.00		450.00	300.00	60.00%
011	Social Security	7,500	422.48	377.19	432.99	483.77	420.63	604.28	466.01	420.09	3,627.44	3,872.56	48.37%
012	Public Employees' Insurance	6,000	344.64	350.28	400.28	350.28	350.28	350.28	350.28	350.28	2,846.60	3,153.40	47.44%
014	Workers' Compensation	550				131.31			625.57		756.88	(206.88)	137.61%
015	Unemployment Compensation	500				173.58			106.42		280.00	220.00	56.00%
016	Pension / Retirement	7,800	320.47	517.40	591.80	591.80	599.66	599.66	599.66	599.66	4,420.11	3,379.89	56.67%
020	Office Supplies	3,000	20.79	321.18	366.79	170.14	20.79	183.44	413.00	300.00	1,796.13	1,203.87	59.87%
021	Printing / Copying Service	600									0.00	600.00	0.00%
024	Telecommunications	1,000					82.64				82.64	917.36	8.26%
025	Court Reporter Fees	8,500	242.50		848.00	1,115.00	890.75	230.75	2,277.87		5,604.87	2,895.13	65.94%
025	Other Professional Fees	1,400	130.00	120.00	165.86		33.95				449.81	950.19	32.13%
025	Legal Counsel Fees/ AG's Office - AQB	12,000	462.00	558.25				154.00			1,174.25	10,825.75	9.79%
025	Legal Counsel Fees/ AG's Office - EQB	28,000	1,078.00	1,097.25	1,463.00	1,078.00	1,116.50	1,058.75	1,200.00		8,091.50	19,908.50	28.90%
026	Travel - Board Members- AQB	5,300									0.00	5,300.00	0.00%
026	Travel - Board Members - EQB	13,800	716.07		691.16	721.42	536.32	890.68	202.87		3,758.52	10,041.48	27.24%
026	Travel - Staff	1,500									0.00	1,500.00	0.00%
027	Computer Services and Website Host	3,500	209.18	186.12	181.53	578.70	189.76	184.53	196.00	196.00	1,921.82	1,578.18	54.91%
031	Assoc. Dues / Professional Membership	144						144.00			144.00	0.00	100.00%
032	BRIM Premium - Liability Insurance	3,760	939.50			939.50			939.50		2,818.50	941.50	74.96%
051	On Line Westlaw and Misc Expense	1,250	245.99	70.00	109.90	70.00	70.00	70.00	70.00	70.00	775.89	474.11	62.07%
052	Training and Development	2,000					131.69				300.00	1,568.31	21.58%
053	Postage	3,000	114.22	138.50	114.13	153.75	67.73	104.16	93.56	95.00	881.05	2,118.95	29.37%
054	Computer Supplies and Equipment	1,750					29.95			1,164.00	1,193.95	556.05	68.23%
077	Books / Periodicals	1,825	32.45	459.45	96.15	187.40			214.15		989.60	835.40	54.22%
110	PEIA Reserve Fund	800	28.00	50.00	56.00	56.00	56.00	56.00	56.00	56.00	414.00	386.00	51.75%
151	Debt Service - Principal	10,264	857.00	857.00	857.00	857.00	857.00	857.00	857.00	857.00	6,856.00	3,408.00	66.80%
152	Debt Service - Interest	21,972	1,831.00	1,831.00	1,831.00	1,831.00	1,831.00	1,831.00	1,831.00	1,831.00	14,648.00	7,324.00	66.67%
-	Operating Expenses - DEP	14,716	1,321.00	1,321.00	1,321.00	1,321.00	1,321.00	1,321.00	1,321.00	1,321.00	10,568.00	4,148.00	71.81%
	Exp to Exp FY 2005 Year-End (Fund 3275)		(4,763.07)								(4,763.07)	4,763.07	
	Uncommitted Funds (EQB Groundwater)	82,147.27									0.00	82,147.27	0.00%
	Less: FOIA Income										0.00	0.00	
	<b>Total</b>	<b>346,852.27</b>	<b>10,304.22</b>	<b>13,324.62</b>	<b>15,762.59</b>	<b>17,203.15</b>	<b>14,916.65</b>	<b>16,150.53</b>	<b>18,280.89</b>	<b>13,421.03</b>	<b>119,363.68</b>	<b>227,488.59</b>	<b>34.41%</b>

\*Budget = \$106,934 (AQB) + \$157,771 (EQB) + \$82,147.27 (EQB Gr) = \$346,852.27



**West Virginia Environmental Quality Board**  
601 57th Street SE, Charleston, West Virginia 25304

clerk@wvaqbeqb.org  
www.wveqb.org

(304) 926-0445 ext. 1682  
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**February 8, 2006**

**Environmental Quality Board: Duties and Board Members**

- The Environmental Quality Board is a quasi-judicial body responsible for hearing appeals regarding the issuance or denial of permits, permit conditions, or enforcement actions rendered by the WV Department of Environmental Protection's Division of Water and Waste Management. Citizens and regulated persons may file an appeal with the Board.
- The Board is composed of five members who are appointed by the Governor for five-year terms. Members must be "persons who by reason of previous training and experience are knowledgeable in the husbandry of the state's water resources and with at least one member with experience in industrial pollution control."
- Each member of the Board is paid the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties.

**Appeals: Current and History**

- Topics at issue: Appeals of environmental enforcement and permit actions taken by the Department of Environmental Protection.
- There are 15 appeals currently pending before the Board; 4 are pending review by the Board, 2 pending status reports and 9 are scheduled for hearing.
- Total average cost of a one-day hearing \$2,000 as follows:
  - Board Member per diem = \$750
  - Court Reporter and transcripts = \$700
  - Board Member travel expense reimbursement = \$550
- Number of appeals filed: 3 year history:
  - Calendar year 2005 = 25 appeals filed
  - Calendar year 2004 = 28 appeals filed
  - Calendar year 2003 = 24 appeals filed

### **Current Staff /Cost Saving Measures**

- The Environmental Quality Board's current full-time staff is shared with the Air Quality Board (AQB) with salaries expensed equally. The staff positions include the Clerk to the Boards and an Administrative Secretary.
- As a cost savings initiative, the AQB and EQB contracted with the Attorney General's Office for legal services at a reduced rate instead of filling the full-time attorney position. This action has saved the Boards a combined total of \$55,000 during fiscal year 2005 and a projected savings of \$58,000 in fiscal year 2006.
- The AQB and EQB Board Chairs have taken supervisory responsibilities of the Office Supervisor. Previously, the EQB's Technical Advisor fulfilled the AQB and EQB supervisory role.

### **Budget Summary**

- The Governor's Budget Bill for fiscal year 2007 provides the Board with general revenue funding in the amount of \$139,171. This funding is adequate for the Board to effectively operate and fulfill their statutory and mandated responsibilities.
- The Environmental Quality Board plans to continue the following cost saving measures in fiscal year 2007: contract with AG's Office to fill Attorney duties; Board members request reimbursement for actual travel expenses only and not the total allowable travel allowances per state code.



## West Virginia Environmental Quality Board

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### Environmental Quality Board

#### Board Members as of February 8, 2006

The West Virginia Environmental Quality Board is composed of five members who are appointed by the Governor for five-year terms. Members must be "persons who by reason of previous training and experience are knowledgeable in the husbandry of the state's water resources and with at least one member with experience in industrial pollution control."

<b>Edward M. Snyder, Ph.D., Chair</b>	
(Democrat - Jefferson County, Shepherdstown, WV) Appointed: 1989 Term Ending: June 30, 2006 Professor of Earth Sciences, Shepherd College, Shepherdstown, West Virginia. Ph.D. Geology, University of Illinois, Champaign-Urbana, 1984; M.S., Geology, Eastern Washington State University, 1973.	

<b>Scott Simonton, P.E., Ph.D., Vice-Chair</b>	
(Independent - Kanawha County, Charleston, WV) Appointed: 2002 Term Ending: June 30, 2007 Assistant Professor of Environmental Science, Marshall University College of Information Technology and Engineering. Ph.D., Engineering, University of New Mexico, 2002; M.S., Environmental Engineering, Marshall University, 1997; B.S., Civil Engineering, West Virginia Institute of Technology, 1991.	

<b>Edward C. Armbrrecht, Jr., Member</b>	
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(Republican - Kanawha County, Charleston, WV)

Appointed: 2002

Term Ending: June 30, 2008

Graduate of Taft School, Connecticut, 1950; Graduate of Yale University, B.A., 1954. Retired Chairman and Co-CEO of Stone and Thomas, 1954-1999. Current partner of Off The Map Travel and The Wine Shop at Capitol Market. Current Boards: The Nature Conservatory of West Virginia, National Institute for Chemical Studies, Charleston Renaissance Corporation, The Clay Center, The West Virginia Disaster Board, Sunrise Museum, The Mountain Institute and The West Virginia University, College of Business and Economics Visiting Committee.

<b>James Van Gundy, Ph.D., Member</b>	
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(Democrat - Randolph County, Elkins, WV)

Appointed: 2005

Term Ending: June 30, 2009

Emeritus Professor of Environmental Sciences, Davis & Elkins College; Ph.D., Aquatic Ecology, University of Utah, 1973; M.S., Zoology, The Pennsylvania State University, 1969; B.A., Biology, Washington and Jefferson College, 1965. Current Boards: Shavers Fork Coalition.

<b>William H. Gillespie, Member</b>	
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(Democrat - Kanawha County, Charleston, WV)

Appointed: 2005

Term Ending: June 30, 2010

Retired Director of West Virginia Division of Forestry and State Forester; former Deputy Commissioner of Agriculture; former State Director of Plant Pest Control, State Supervisor forest insect and disease work, and Forest Biologist; former Professor for the Department of Geology and Geography, West Virginia University and current WVU adjunct professor; served as consulting paleobotanist U.S. Geological Survey; served as President of West Virginia Academy of Sciences and numerous other associations; Registered Professional Forester in West Virginia; Owner of Gillespie Forestry Services.

**West Virginia Air Quality Board and Environmental Quality Board**  
**601 57<sup>th</sup> Street, SE**  
**Charleston, West Virginia 25304**  
**Telephone: (304) 926-0445, ext. 1682 or 1683**

**To:** Honorable Delegate Frederick  
**From:** Sandra Castillo, Clerk of the Boards  
**Date:** February 10, 2006  
**Re:** Response to Request - February 8, 2006 Meeting

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The Boards are mandated by federal and regulatory programs to have an appeal process for adjudicating enforcement and permitting decisions. If there was not an appeal process there would be no way for the permit holder or the public to hold the Department of Environmental Protection (DEP) accountable for their decisions. There is a potential for many appeals to be filed each year, therefore, it is difficult to predict how many hearings or appeals the Board will be involved in deciding. After thoroughly reviewing the Boards' statistics for the last three years, it appears that the final decisions entered by the Boards resulted in a 50-50 split in their decisions in relation to - for and against DEP. Also, many of the matters settle right before the scheduled evidentiary hearing. The members of the Boards encourage settlement discussions to avoid unnecessary litigation that could potentially cost the state and the parties involved a substantial amount of money.

As requested, please find attached a complete summary of the appeals that were filed before the Boards in 2005 and the credentials of all Board members.

If you have any additional questions, please do not hesitate to contact me at 926-0445, ext. 1683 or 1682.

**DISPOSITION OF APPEALS FILED BEFORE THE AIR QUALITY BOARD IN 2005**

**APPEAL NO. AND APPELLANT**

**DISPOSITION**

05-01-AQB (David White)  
Permit

**Final Order Affirmed**

05-02-AQB (Danny, Dreama & Irene Peters)

Permit Withdrawn

05-03-AQB (Viking Pools)

Settlement

05-04-AQB (Capitol Cement)

Settlement

05-05-AQB (General Electric)  
Discussions

Pending- Settlement

05-06-AQB (Dominion Transmission)

Settlement

05-07-AQB (Wheeling Pittsburgh Steel)  
Evidentiary Hearing March 21, 2006

Pending- Set for

<b>For</b>	<b>Against</b>	<b>Settled/Dismissed/Withdrawn</b>	<b>Pending</b>
<b>1</b>		<b>4</b>	<b>2</b>

**DISPOSITION OF APPEALS FILED BEFORE THE ENVIRONMENTAL  
QUALITY BOARD IN 2005**

<u>APPEAL NO. AND APPELLANT</u>	<u>DISPOSITION</u>
1. 05-01-EQB (Northlake II, LLC)	Withdrawn
2. 05-02-EQB (Tom Jarrell)	Withdrawn
3. 05-03-EQB (Shavers Fork)	Pending
4. 05-04-EQB (Dan & Fay Francis)	Withdrawn
5. 05-05-EQB (Gene Kistler)	Withdrawn
6. 05-06-EQB (Harpers Ferry Conservatory) (consolidated w/ 05-08-EQB -Old Standard)	
7. 5-07-EQB (Richard Latterell)	Withdrawn
8. 05-08-EQB(Old Standard) the Board	*Pending Review by
9. 05-09-EQB (MBHD)	Dismissed
10. 05-10-EQB (Paul Burke, et al.)	Dismissed
11. 05-11-EQB(Dupont) case back to DEP to reopen comment period	Final Order remanded
12. 05-12-EQB(Reilly Industries) Hearing on April 6, 2006	Set for Evidentiary
13. 05-13-EQB (Michael Yanero)	Withdrawn
14. 05-14-EQB (Boone East)	Settled
15. 05-15-EQB (Old Ben)	Withdrawn
16. 05-16-EQB (Rissler) Hearing on March 16, 2006	Set for Evidentiary
17. 05-17-EQB (WV River Coalition) the Board	*Pending Review by
18. 05-18-EQB (PPG Industries) consolidated w/ 05-17-EQB the Board	*Pending Review by

- |  |                     |
|--|---------------------|
| 19. 05-19-EQB (Cabot Oil & Gas Corp)<br>Hearing March 16, 2006       | Set for Evidentiary |
| 20. 05-20-EQB (Gary Deeds)<br>the Board                              | *Pending Review by  |
| 21. 05-21-EQB (Greer Limestone)<br>Hearing on April 6, 2006          | Set for Evidentiary |
| 22. 05-22-EQB (Decker's Creek Limestone)<br>Hearing on April 6, 2006 | Set for Evidentiary |
| 23. 05-23-EQB (Alex Energy)<br>Hearing on March 16, 2006             | Set for Evidentiary |
| 24. 05-24-EQB (Alex Rahmi Uniwest STP)<br>Hearing on April 6, 2006   | Set for Evidentiary |
| 25. 05-25-EQB (Corning Inc)<br>Hearing on April 6, 2006              | Set for Evidentiary |

For	Against	/Dismissed/Settled/Withdrawn	Pending
	1	12	12

**\* Pending Review by the Board- Awaiting final decision from the Board after closing briefs have been filed by the parties and discussed by the Board.**