

**Environmental Quality Board  
601 57<sup>th</sup> Street, SE  
Charleston, West Virginia 25304  
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**MINUTES  
June 14, 2007**

A public meeting of the Environmental Quality Board was held on Thursday, June 14, 2007 in Charleston, West Virginia.

Members present were: Dr. Edward Snyder, Chairperson; Mr. William H. Gillespie; Dr. D. Scott Simonton, and Dr. James Van Gundy.

Staff members present were Wendy E. Radcliff, Esquire, Counsel for the Board, and Jackie Shultz, Clerk of the Board.

It being determined a quorum was present, Dr. Snyder called the meeting to order and the Board proceeded with its agenda.

**I. APPEALS**

*Appeal 06-09-EQB (Suellen Myers, Beverly Kirk, Paul Burke, Stewards of the Potomac Highlands v. Director, Division of Water Resources)* - Appeal No. 06-09-EQB was filed with the Board on May 15, 2006. The Board heard oral argument on Appellant's Motion for Summary Judgment and Appellee's Motion to Dismiss during the June 14, 2007 Board meeting.

**II. ADMINISTRATIVE MATTERS**

**Minutes of March 16, 2007 Meeting**

The minutes of the March 16, 2007 Board meeting were reviewed by the Board. Upon a motion duly made by Mr. Gillespie and seconded by Dr. Simonton, the Board voted unanimously to approve the March 16, 2007 minutes as drafted.

**Budget Update**

The Board was provided with a financial update through May 31, 2007. As of May 31, 2007, which represents 92% of the fiscal year, the Environmental Quality Board expended 53% of its

budget, the Air Quality Board expended 82% of its budget, and 61% of the combined AQB/EQB budget has been expended.

The Board was informed that the Legislature has appropriated \$98,211.00 for the Air Quality Board and \$140,256 for the Environmental Quality Board for fiscal year 2008. Each Board was allotted an increase in funding in the amount of \$1,085.00, which will cover most of the added expense of the across-the-board salary increase for staff effective July 1, 2007.

### **EQB Docket of Appeals**

Ms. Shultz provided the Board with the docket of appeals currently open and pending before the Board. Mr. Gillespie requested to be kept informed of counsel for the parties as this is helpful in determining conflicts of interest.

### **Other Business**

Ms. Radcliff informed the Board that the new procedural rules have been filed and are now in effect. The biggest change was with regard to discovery in that there is now a set amount of time to respond to discovery.

Ms. Radcliff informed the Board that she accepted an invitation from the West Virginia State Bar's Environmental Law Committee to discuss the Board's decisions and procedural rules on June 26, 2007.

Ms. Radcliff informed the Board that she will make a presentation regarding the Code of Conduct for Administrative Law Judges at the next meeting, and reminded the Board that they will be electing a chairperson at the next meeting.

### **Adjournment**

There being no further business to come before the Board and upon a motion duly made by Dr. Van Gundy and seconded by Mr. Gillespie, the meeting was adjourned.

I hereby certify that the foregoing is a true and correct record of the proceedings of the Environmental Quality Board meeting held on June 14, 2007. The Environmental Quality Board approved these minutes on August 9, 2007.

  
Jackie D. Shultz, Clerk  
Environmental Quality Board