

**Environmental Quality Board
601 57th Street, SE
Charleston, West Virginia 25304
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**MINUTES
August 9, 2007**

A public meeting of the Environmental Quality Board was held on Thursday, August 9, 2007 in Charleston, West Virginia.

Members present were: Dr. Edward Snyder, Chairperson; Mr. Edward C. Armbrrecht, Jr.; Mr. William H. Gillespie; and Dr. James VanGundy. Dr. D. Scott Simonton participated in the administrative portion of the Board meeting via telephone.

Staff members present were Wendy E. Radcliff, Esquire, Counsel for the Board, and Kathy C. Coleman, Administrative Secretary.

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

I. APPEALS

Appeal No. 07-04-EQB (David O'Brien) - Appeal No. 07-04-EQB was filed with the Board on March 5, 2007. The Board was scheduled to hear oral argument on Appellant's Motion for Summary Judgment. However, immediately prior to the start of the hearing, the parties announced they had reached an agreement and the appeal was settled.

Appeal No. 07-10-EQB (WV Highlands Conservancy, Ohio Valley Environmental Coalition, and Coal River Mountain Watch) - Appeal No. 07-10-EQB was filed with the Board on May 4, 2007. The Board heard oral argument on Intervenors' Motions to Dismiss during the August 9, 2007 Board meeting.

II. ADMINISTRATIVE MATTERS

Minutes of June 14, 2007 Meeting

Upon a motion duly made by Mr. Gillespie and seconded by Mr. Armbrrecht, the minutes of the June 14, 2007 Board meeting were reviewed and unanimously approved as drafted.

Budget Update

Ms. Coleman advised the Board that the monthly budget reports will be distributed at the next scheduled meeting. Ms. Coleman informed the Board that she has been preparing the Fiscal Year 2009 Appropriation Request, which is due to the Department of Environmental Protection next week.

The Board voted unanimously to approve the renewal of the contract with the Office of the Attorney General for legal counsel services of Ms. Radcliff. The contract would expire in September. Ms. Coleman will contact the Office of the Attorney General to request renewal.

Code of Conduct for Administrative Law Judges

Ms. Radcliff provided the Board with an brief overview 158CSR13, "Code of Conduct for Administrative Law Judges."

Election of Chairperson

Upon a motion duly made by Mr. Armbricht and seconded by Dr. Van Gundy, the Board voted unanimously to elect Dr. Snyder as Chairperson for 2007-2008.

Upon a motion duly made by Mr. Armbricht and seconded by Mr. Gillespie, the Board voted unanimously to elect Dr. Simonton as Vice-Chairperson for 2007-2008.

Other Business

Ms. Radcliff informed the Board that she made a presentation to the West Virginia State Bar's Environmental Law Committee on June 26, 2007. There was a discussion of various cases that have been decided by the Boards and other cases that are going through the court system and there were numerous comments made about the Boards' procedures.

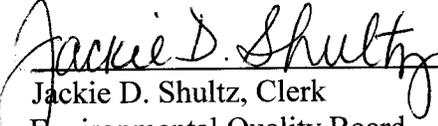
Dr. Snyder informed the Board that Secretary Timmermeyer requested information for the Joint Standing Committee on Government Organization and Joint Committee on Government Operations. Ms. Radcliff explained that, pursuant to Senate Bill 187, Secretary Timmermeyer will make a presentation on behalf of all of the Boards under the DEP.

Ms. Radcliff informed the Board that the Kanawha County Circuit Court issued its final ruling in the PPG Industries appeal affirming the Board's decision.

Adjournment

There being no further business to come before the Board, 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 August 9, 2007. The Environmental Quality Board approved these minutes on February 14, 2008.


Jackie D. Shultz, Clerk
Environmental Quality Board