

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

**MINUTES  
February 14 - 15, 2008**

A public meeting of the Environmental Quality Board was held on Thursday, February 14, 2008 in Charleston, West Virginia.

Members present were: Dr. Edward Snyder, Chairperson; Mr. Edward C. Armbrrecht, Jr.; 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 D. 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 No. 07-25-EQB (Tom D. Jarrell)* - Appeal 07-25-EQB was filed with the Board on November 7, 2007. An evidentiary hearing was held in this matter.

*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. On February 15, 2008, the Board heard closing arguments on the Proposed Findings of Fact and Conclusions of Law presented by the parties.

**II. ADMINISTRATIVE MATTERS**

**Minutes of August 9, 2007 Meeting**

The minutes of the August 9, 2007 meeting were reviewed by the Board. Upon a motion duly made by Dr. Van Gundy and seconded by Dr. Simonton, the minutes were unanimously approved as drafted.

## **Budget Update and Purchase Card Report**

Kathy Coleman was not available to provide an overview of the budget and information provided and the Board deferred discussion and action until the next meeting.

## **National Judicial College - Update**

Ms. Radcliff attended the "Fair Hearings for Administrative Law Judges" course presented by the National Judicial College in the fall of 2007. She related that the seminars were informative with very high caliber instructors. She informed the Board that one result of the course is that the Boards have been holding prehearing conferences on all appeals since November 2007 with good results.

After six months, Ms. Radcliff will solicit feedback from members of the Bar practicing before the Board for suggestions for improving the process.

Ms. Radcliff informed the Board that she has been invited back to help facilitate the next conference, but has declined the invitation.

Dr. Snyder asked whether courses of this nature are available for the Board. Ms. Radcliff stated that she and Tom Michael, Esquire, Chairperson of the Surface Mine Board, have discussed conducting a one day mini-course for members of the Environmental Quality Board, Air Quality Board, and Surface Mine Board with regard to administrative law, evidence, and civil procedure. Ms. Radcliff will pursue this project on behalf of the Boards.

Ms. Radcliff stated that Pam Nixon of the WVDEP's Environmental Advocate's Office is considering conducting a seminar for pro se appellants with presentations on filing an appeal and appearing before the Boards utilizing a panel of citizens and local lawyers to give information and advice on how to proceed before the Boards. Heather Connolly, Esquire, of the WVDEP, cautioned the Board to be careful of running afoul of unlawful practice of law by having citizens give legal advice.

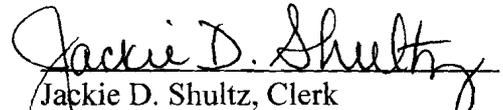
## **Other Business**

Ms. Shultz provided the Board with the docket of open appeals for information purposes only.

## **Adjournment**

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

I hereby certify that the foregoing is a true and correct record of the proceedings of the Environmental Quality Board meeting held on February 14, 2008. The Environmental Quality Board approved these minutes on March 13, 2008.

  
Jackie D. Shultz, Clerk  
Environmental Quality Board