

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

**MINUTES
September 11, 2008**

A public meeting of the Environmental Quality Board was held on Thursday, September 11, 2008 in Charleston, West Virginia.

Members present were: Dr. Edward Snyder, Chairman; Dr. James Van Gundy; and Mr. William Gillespie. Mr. Edward C. Armbricht, Jr. and Dr. D. Scott Simonton were not present.

Staff members present were Wendy E. Radcliff, Esquire, Counsel for the Board, Katherine C. Coleman, Administrative Secretary, 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. 08-25-EQB (Monongahela Power Company) - Heather Connolly, Esquire, and Laura G. Swingle, Esquire appeared on behalf of the WV Department of Environmental Protection. M. Ann Bradley, Esquire, appeared on behalf of Monongahela Power Company. The parties presented evidence and witnesses relative to Appellant's Motion for Stay. The Board granted the stay for a period of six months or the conclusion of the appeal, whichever is sooner.

II. ADMINISTRATIVE MATTERS

Minutes of March 13, 2008 Meeting

The minutes of the March 13, 2008 meeting were reviewed by the Board. Upon a motion duly made by Mr. Gillespie and seconded by Dr. Van Gundy, the minutes were unanimously approved as drafted.

Fiscal Year 2008: Year-End Report

Ms. Coleman provided the Board with the 2008 year-end report. She reported that the Air Quality Board ended the year with a surplus of general revenue funds in the amount of \$16,907. The Environmental Quality Board ended the year with a surplus of general revenue funds in the amount of \$9,090. The EQB Groundwater Special Operating Fund's year-end balance of \$82,474 was

carried forward to the fiscal year 2009 budget. The Board continues to save money by hiring a part-time attorney rather than a full-time attorney. Legal counsel fees for the Environmental Quality Board and the Air Quality Board totaled \$39,796 for fiscal year 2008.

Ms. Coleman reviewed the summary of fiscal year 2008 statistics provided to the Board. The EQB held three board meetings, four board member conference calls and fourteen appeal hearings. Twenty-eight appeals were filed and the Board entered nineteen orders.

Fiscal Year 2009: Budget Update for July 1, 2008 - August 31, 2008

Ms. Coleman provided the Board with a financial update for the period of July 1, 2008 - August 31, 2008. She advised the Board that as of August 31, 2008, the EQB has spent eight percent of its budget. As requested, funds were budgeted for the purchase of computer equipment. The purchase of laptop computers for Board members was discussed. Dr. Snyder requested that Ms. Coleman research the cost and parameters of the laptops available on the state contract.

Purchase Card Reports - January - June, 2008

Ms. Coleman provided the Board with the Purchase Card Reports for January - June 2008. Upon a motion duly made by Mr. Gillespie and seconded by Dr. Van Gundy, the Board unanimously approved the Purchase Card Reports.

Election of Chairman and Vice-Chairman

Upon a motion duly made by Mr. Gillespie and seconded by Dr. Van Gundy, the Board voted unanimously to retain Dr. Snyder as Chairman and Dr. Simonton as Vice-Chairman.

Other Business

Ms. Radcliff advised the Board that prehearing conferences are working well and are facilitating dialogue between the parties.

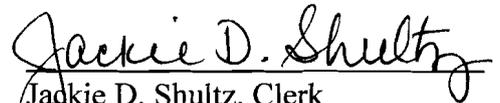
Ms. Radcliff further advised the Board that its decision in the Appeal Nos. 07-10-EQB and 07-12-EQB (*West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and Coal River Mountain Watch v. Lisa A. McClung, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection and Alex Energy et al.*) was appealed to Kanawha County Circuit Court by DEP.

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. Van Gundy.

* * *

I hereby certify that the foregoing is a true and correct record of the proceedings of the Environmental Quality Board meeting held on September 11, 2008. The Environmental Quality Board approved these minutes on January 15, 2009.


Jackie D. Shultz, Clerk
Environmental Quality Board