

ENVIRONMENTAL QUALITY BOARD

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**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

December 15 & 16, 2005

I. General

On Thursday, December 15 and Friday, December 16, 2005, 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 57th 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 (December 15, 2005):

Dr. Ed Snyder, Chair
Dr. James Van Gundy
Mr. William Gillespie
Dr. Scott Simonton
Mr. Ted Armbrrecht

Board Members present (December 16, 2005)

Dr. Ed Snyder, Chair
Dr. James Van Gundy
Mr. Ted Armbrrecht

Staff Members Present were as follows:

Kathy Coleman, Administrative Secretary
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. Appeals

- 1.) Appeal No. 05-12-EQB (Reilly Industries): Summary Judgment arguments were presented by Mark Rudolph for DEP and Dave Flannery on behalf of Reilly Industries.**
- 2.) Appeal No. 05-17-EQB (WV River Coalition): and Appeal No. 05-18-EQB (PPG Industries) (Consolidated on September 8, 2005). Dave Yaussy, Joe Lovett and Jay Lazell are the attorneys involved in these two cases. Joe Lovett presented Matt**

Sweeney and William Purvis as witnesses on behalf of the Appellant. Dave Yaussy presented Mr. Alan Vicory, a representative from ORSANCO, Gary Amendola and Tom Horan on behalf of PPG. Jay Lazell presented Matt Sweeney as a witness on behalf of the DEP.

II. Administrative Matters

- 1.) Review and Approval of the Board Minutes from the November 17, 2005 meeting.
- 2.) Kathy Coleman provided a Budget Report to the Board. (Attached as Exhibit A).

Budget Reports:

The Board members were provided with a financial update through November 30, 2005. A copy of this report is attached and made a part of these minutes as Exhibit "A". Ms. Coleman reported that as of November 30th the Boards have spent 20.79% of the combined AQB/EQB budget which represents a five month period, 41% of the fiscal year.

Ms. Coleman noted that the current surplus of funding may be needed to hear 150 to 400 appeals which may be submitted during fiscal year 2006 as a result of the DEP's proposed designation of the Tier 2.5 streams.

Court Reporter Services:

Ms. Coleman reported that the Boards have renewed their contract with KRM Court Reporting for an additional six months.

Fiscal Year 2007 Budget Requests:

Ms. Coleman reported that the DEP reduced the Boards' funding for fiscal year 2007 without prior approval from the Boards. The Air Quality Board's 2007 appropriation request was reduced by \$10,500 and the Environmental Quality Board's was reduced by \$17,353. The funds were transferred to the DEP's Water Quality Standards Program. A memo is being prepared to the DEP to address this matter.

Whereupon, Dr. Van Gundy moved and Mr. Armbrrecht seconded that the December 16, 2005, meeting be adjourned and the motion carried unanimously 3 to 0.

I hereby certify that the forgoing is a true and correct record of the proceedings of the meeting held on December 15, & 16, 2005, by the West Virginia Environmental Quality Board. These minutes were approved by the Environmental Quality Board on 12th Day of January 2006.

Sandra Castillo, Clerk