

## MEMORANDUM

TO: Western North Carolina Regional Air Quality Agency Board of Directors

FROM: Ashley Featherstone, Director

RE: Minutes for July 13, 2020

DATE: September 4, 2020

Enclosed, please find the Minutes for the **Monday, July 13, 2020** WNCRAQA board meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, September 14, 2020 at 4:00 pm**. Due to recommendations to limit public gatherings and Corona Virus Disease 2019 (COVID-19), this meeting will be conducted remotely as authorized by Session Law 2020-3 and GS §166A-19.24. The meeting will be hosted via Zoom Webinar. The public may listen to the meeting as it occurs at the following link: <https://bit.ly/2C6A3eW>. Meetings will continue to be virtual until further notice.

*\*\*\*Public comment on agenda items will be taken via electronic means only. The following criteria for comment will apply: (1) any public comment must be received by 5:00 pm Sunday before the Board Meeting by sending an email to [wncair@buncombecounty.org](mailto:wncair@buncombecounty.org) or by leaving a voice message at 828-250-6777; and (2) must be no more than 350 words.\*\*\**

Comments will be read into the record, but the Board reserves the right to limit this practice to one hour. All comments received will be retained by the Agency as permanent record.

The Western North Carolina Regional Air Quality Agency Board of Directors met via Zoom Webinar and phone on Monday, July 13, 2020 as authorized by Session Law 2020-3 and GS §166A-19.24 due to COVID-19.

The attendance of the Board members was as follows:

**Members Present:**

*Britt Lovin  
Karl Koon  
Dean Kahl  
Vonna Cloninger  
Joel Storrow*

**Members Absent:**

**Staff Present:** *Ashley Featherstone, Director; Kevin Lance, Field Services Program Manager; Mike Matthews, Senior AQ Specialist; James Raiford, Senior AQ Specialist; Betsy Brown, Air Quality Supervisor*

**Others Present:** *Michael Frue, Attorney; Michael Plemmons, CIBO*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on July 13, 2020 at 4:02 pm.

The order of business was as follows:

A Roll Call was conducted by Mr. Lovin:

Vonna Cloninger-present  
Dean Kahl- present  
Britt Lovin-present  
Karl Koon-present  
Joel Storrow-present  
Ashley Featherstone, Staff, Director-present, as well as staff members listed above.

There is a quorum present.

**I. Public Comment Protocol Announcement**

Mr. Lovin read the following announcement:

Due to recommendations to limit public gatherings and Corona Virus disease 2019 (Covid-19), this meeting will be conducted remotely as authorized by Session Law 2020-3 and GS §166A-19.24. The meeting will be hosted via Zoom Webinar. The public may listen to the meeting as it occurs at the link posted in the agenda and on [wncair.org](http://wncair.org). Meetings will continue to be virtual until further notice.

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**II. Adjustment and approval of agenda**

Mr. Koon made a motion to approve the agenda as written. Dr. Kahl seconded the motion.

Voting was conducted by roll call:

Mr. Koon-yes

Ms. Cloninger-yes

Mr. Storrow-yes

Dr. Kahl - yes

Mr. Lovin-yes

The motion passed 5-0.

**III. Consent Agenda:**

**A. Approval of minutes from May 18, 2020**

Mr. Koon made a motion to approve the minutes as written. Dr. Kahl seconded the motion.

Voting was conducted by roll call:

Mr. Koon-yes

Dr. Kahl- yes

Mr. Storrow-yes

Ms. Cloninger -yes

Mr. Lovin-yes

The motion passed 5-0.

**IV. Director's Report:**

**A. COVID-19 Update**

This is an update to Air Quality operations. County offices such as Air Quality, Permits and Inspections, Planning, Soil and Water and most of the County offices that were closed before, are open to the public as of June 29. The office is open with one staff member each day for eight hours. Mike Matthews continues to be full time at Permits and Inspections. He is Air Quality's most public facing staff member. The rest of the staff are teleworking and taking turns coming into the office at 52 Coxe to ensure that the office has at least one person in each day for eight hours. Air Quality has not had anyone come see us at the 52 Coxe Avenue office yet; however, there is traffic to HHS upstairs. Kevin Lance continues to receive monitoring supplies at his home. The County requires that anyone entering County buildings wear a facemask if not possible to keep social distancing. While staff is at their workstations where they can maintain distancing, staff does not have to wear a facemask; however, if staff answers the door or interacts with the public, a facemask needs to be worn. Air Quality has facemasks for the public and plenty of hand sanitizer and disinfectant for the office. Mr. Matthews has a lock box at 30 Valley Street for permit applications and fees. He no longer has to meet people to collect checks and cash for renovation and demolition permits in person as he did when Permits and Inspections was closed. Air Quality is looking at the Accela program budgeted for this budget year. Staff is reprioritizing to first set up electronic payments for Mr. Matthews to minimize his contact while also watching the budget. Staff is going out on complaints and maintaining social distancing.

The biggest challenge staff has right now is how to plan for onsite compliance inspections. These inspections are the one function the Agency has not resumed. During the last two weeks, staff have received guidance documents from DAQ and the EPA about how to proceed with inspections. Staff also seen guidance

documents Georgia and South Carolina are using. Staff is in the process of coming up with a plan. It will be very specific to the facilities. This includes calling ahead, not riding together in a vehicle, one person inspections, wearing face coverings, reviewing documents remotely rather than onsite with the facility, focusing on outdoor sources, and avoiding certain facilities like hospitals- not going inside those. The Agency is committed to fewer inspection commitments than staff normally do, so staff does not feel that there will be a problem meeting the Agency's requirements for the EPA.

Buncombe County is requiring all County departments to staff isolation and quarantine facilities. Two staff from each department must participate regardless of the size of the department. Ms. Featherstone and Mr. Matthews have volunteered. Ms. Featherstone praised Mr. Matthews for his willingness to perform this task. They have both taken the medical training at AB Tech. They have had CPR training, trained to use a defibrillator, and been fitted for N-95 masks. They are not required to use any of these techniques if they are not comfortable doing so. This is supposed to be low risk with limited interaction. They are required to sign up for two shifts each per month for three months starting in August. One of the roles involves being a runner as a Logistics Coordinator. As Facility Coordinator, one reports to the hotel, does remote wellness checks on the people quarantined there, delivers meals, checks people in and out, and may have to provide transportation when a guest checks out.

The Permit Program Manager position will be posted soon. The Agency is trying to get back to the staffing levels before Mr. Brigman retired.

Ms. Featherstone asked that the Board let staff know how the meeting is going. The Agency public comment procedures seem to be working fine. There is a chat feature that we do not have enabled. The Board could decide to enable public interaction during the meeting. James Raiford said he is able to allow a member of the public attending the meeting to speak during the public comment time. The public could request to speak by virtually raising their hand to be acknowledged, or requesting to speak through a chat feature. Currently the public can see and hear, but are not allowed any interaction.

Mr. Frue said that with new Zoom licenses it is easier to have public participation. He said that he thought participation was limited to the procedures described above for now. The statute only requires that the public can hear the meeting.

Mr. Lovin noted that he liked having public comments due the day before. If a member of the public is that interested, the person can attend the call and request to speak. Mr. Raiford says the software, as host, gives him the ability to allow anyone attending the meeting to talk. Likewise, he can prevent attendees from talking or disrupting the meeting should that be an issue. Mr. Lovin wanted to make sure the Board was doing what they needed to do, legally and appropriately, for the upcoming Board meetings. Mr. Frue stated that the Agency is clearly compliant with the State Statute 2020-3. It is recognized that there are issues with technology and that some might have to attend by phone. What the statute requires is that all Board members participating must have access to any documents that are being discussed. Other than that, the requirement is that everyone must be able to communicate amongst the Board. The public must be able to hear. Any additional interaction with the public as described by Mr. Raiford is more than the statute's minimum requirements.

Ms. Cloninger missed a few minutes of the meeting, but did not miss a vote.

**B. Air Quality Monitoring Update**

Mr. Lance said that for May and June the Agency had about 95% data completion for ozone and about 90% for particulate monitoring. Year to date there has been a bit better than 95% data completeness for both ozone and particulate monitoring. The area was impacted by the Saharan dust event on June 27 and 28. There was a code red day and a code orange due to the dust event. The area also was code red due to the fireworks July 4.

At previous meeting, Mr. Lance mentioned that he had some concerns with coordinating with the State to perform an audit on the ozone equipment.

Mr. Lance met the State on June 25 and they conducted the audit. The Agency passed the audit with the state and met the requirements.

The EPA finally responded to Duke and said that the facility could shut down the SO2 monitor. They stopped operating that monitor on July 1. They have met the three-year requirement for that monitoring.

**C. Ford Escape Hybrid 2008**

Mike Matthews drove this vehicle. The older Escape has about 120,000 miles. There have been problems with the brakes. The County has provided Mr. Matthews with temporary vehicles to drive. One of these, a 2012 Ford Escape with 50,000 miles, is one that Air Quality has on loan for him to drive while we work out the situation. General Services has said it would take \$3500 to \$4000 to fix the brakes. The vehicle is not worth more than that. The trade in value for the 2012 Escape is about \$5,000. It may have been fully depreciated. There is a possibility that the County would transfer it to the Agency with no charge since no one is using it. There is not a definitive answer. It is possible that the County would want Air Quality to pay the difference in the value of the two vehicles. In that case, the Agency would need to take \$5,000 to 6,000 from contingency funds. Ms. Featherstone said that staff just wanted to make the Board aware of this situation. Currently Mr. Matthews is driving a Prius, but the Escape is a better fit because it has greater clearance. The County is not charging Air Quality to use the 2012 Escape. It is not often that something like this comes up with a separate Cost Center and self-funding. They are not sure how to handle the situation. Ms. Featherstone pointed out that the Agency is not allowed to own any property; the vehicles belong to the County.

Ms. Brown noted that the County keeps up with what department has possession of any item and allocates the insurance charges accordingly. All insurance is handled through the County including our Board insurance.

**D. Clean Air Excellence Awards**

The Agency received one nomination for 2019. One nomination was received last year but did not have supporting documentation. The last year for which we received a nomination and issued the award was 2017. That was the last time the Advisory Committee met. Ms. Featherstone sent out an email to everyone on the current committee to try to get a meeting together to consider the award. Staff would like to assess the status of the committee. Dr. Kahl has been active with the committee as well as Keith Bamberger with the State DAQ. The Agency has the

original ad and procedures that staff use to seek new members, if there is an interest to do so. There would probably be a couple of meetings a year. At this time, the meetings would be virtual. Ms. Featherstone could work with Dr. Kahl. The Agency has been putting this off due to Covid-19. The nomination that we currently have to consider was submitted by Eaton Electrical. Energy updates were made to their facility and they have data to support the energy reductions. They are a permitted facility. Mr. Lovin pointed out that Dr. Kahl might not be with the Board much longer as his Board term is up, but perhaps his replacement would be interested in helping with the committee.

**E. Facility Permit Modifications**

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Amc Flexibles, Inc.	Manufacturer of flexible packaging products	Title V	Sweeten Creek Road, Arden	Renewal with significant modification because the facility has requested a limit in the permit to become a minor source for HAP emissions in order to avoid applicability of MACT Subpart KK. Addition of a regenerative thermal oxidizer to replace catalytic oxidizer.

Ms. Featherstone said this facility is one of the Title V facilities that was due for renewal. Staff always do a thorough regulatory review every five years, and staff found a problem. The company is subject to many federal regulations. Staff looked at what was required for the MACT Subpart KK and the PSD compliance assurance monitoring. Previously it was thought the monitoring the facility was doing was sufficient to meet these two different rules. It was determined that although they were doing a lot of monitoring, the control devices and monitoring were lacking under the capture efficiency verification requirements. The Agency issued a Notice of Violation back in October 2019. Staff required the company to submit a plan to address where monitoring was not sufficient. There has been back and forth with the facility for months. This was reported to the EPA as is required. Staff has added more stringent requirements in this permit that staff feel are sufficient, and that the facility has accepted. The facility was very cooperative. Staff missed this as well, and staff has not issued a civil penalty. One of the issues was the rigorous monitoring required by MACT KK. If the facility takes a limit, and keeps their HAP emissions levels below the limit, the facility can avoid some of those requirements. Their HAP emissions have been well below the limit for many years. They asked to have that limit put in the permit, which gives them some leeway and not as many monitoring requirements. This is a significant modification; it has gone to public notice and EPA review. We received no comments.

The MACT- maximum achievable control technologies, is very rigorous. The facility has to do testing to make sure they are meeting the limit. During testing, they have to measure parameters that are associated with the emissions capture and control system. These parameters are used to establish thresholds for the capture and control system that must be monitored and met to ensure the equipment is operating as it did when testing was done and demonstrated compliance. Staff knows that if they are operating within those thresholds, then staff can be assured that they are staying in compliance. This facility is subject to PSD, Prevention of Significant Deterioration, a federal standard because they have potential emissions of over 250 tons of a criteria pollutant. The facility has taken a limit to comply with this rule. Actual emissions for Amcor are well

under the PSD limit. The actual emissions are around 40 tons, which is well under the 250. If they take limits and track emissions, some of the requirements are less stringent. Mr. Storrow asked if this situation is like a water discharge permit where the facility is able to meet the loading requirements but cannot meet the control technologies percentages. Ms. Featherstone said it is similar. The facility is meeting the removal requirements, must be 95% efficient with thermal oxidizer and catalytic oxidizer that they have to run. They are easily meeting the removal requirements and the monitoring requirements for that. They have to capture 100% of the emissions around the enclosed process and about 85% of the emissions around the unenclosed processes. Staff is confident that they were capturing that; however, they were not continuously monitoring the capture parameter and it was not sufficient. The facility is installing pressure sensors so they can continuously monitor capture efficiency. The facility has given the Agency data for several years showing that they can comply with the MACT standard even without using the control devices. This is by using the compliant materials option where they do not have to factor in the capture and control efficiency. It is up to the facility to choose the strategy for requirements and they picked the one with control devices. The facility has provided enough information such that we do not think that they have exceeded emissions standards, but they do not have good enough data to show that their capture efficiency is maintained outside of a test (which is relevant if they are going to rely on capture and control efficiency data to demonstrate compliance). This has been going on for several years and staff did not catch it. Amcor checked with staff and staff checked with the EPA to make sure they were complying and it appeared that they were. The facility was meeting the CAM (compliance assurance monitoring) requirements associated with PSD, but not the MACT requirements.

Mr. Storrow made a motion to approve the renewal for Amcor. The motion was seconded by Ms. Cloninger.

Voting was conducted by roll call:

Ms. Cloninger -approve  
 Dr. Kahl- approve  
 Mr. Storrow-approve  
 Mr. Koon- approve  
 Mr. Lovin-approve  
 The motion passed 5-0.

**F. Facility Permit Modifications**

<b>Facility Name</b>	<b>Type of Facility</b>	<b>Facility Classification</b>	<b>Location</b>	<b>Changes from Existing Permit</b>
Baldor Electric Company	Mechanical Power Transmission Equipment Mfg. Facility	Small	Reems Creek Road, Weaverville	Administrative change-change business registration to ABB Motors and Mechanical Inc.

Ms. Cloninger made the motion to approve the permit modification. Dr. Kahl seconded the motion.

Voting was conducted by roll call:

Ms. Cloninger -approve  
 Dr. Kahl- approve  
 Mr. Koon- approve  
 Mr. Storrow-approve  
 Mr. Lovin-approve  
 The motion passed 5-0.

**V. New Business:**

**A. Legal Counsel Report**

Mr. Frue had nothing to report.

**VI. Other Business:**

**A. Advisory Committee Report – Dean Kahl**

Dr. Kahl had nothing to add. Mr. Storrow asked about the Committee. He asked how many were left on the committee and if it needed a reboot. Dr. Kahl and Ms. Featherstone have put a lot of effort into it. Mr. Lovin said the committee was vibrant for a while. Dr. Kahl said the Board does not have business for the committee. At one time the committee was working on procedures for awards. If a big controversy comes up then it would be good to have the committee in place. Mr. Lovin said perhaps it could be an ad hoc committee or a standing committee that meets when needed. Dr. Kahl said he felt the Board should abide by Ms. Featherstone's ideas. Mr. Storrow supports Ms. Featherstone's vision for the committee, and feels it supports the Agency. Ms. Featherstone thought that Keith Bamberger, with the State, would stay on. There have been facility representatives in the past. She has not heard back from Bryan Dover with Silverline Plastics. Another member was Greg Davis with APAC, but he has moved away. It would be good to have someone else from one of the facilities. The Fire Marshall, Terry Gentry, used to be on the committee. He was helpful because staff deals with many open burning issues. Staff could approach the new Fire Marshall and see if he is interested. The Agency is planning to raise fees and the committee could assist with that. We need to have projects to engage them and hold their interest.

The County is requiring all departments to have business plans, which include vision, goals, mission etc. This would be due by the end of the year. It would be good to have the committee to work on that, but the Agency needs to have staff involved. It may be possible for staff to come up with a draft for the committee to refine. There is a mission statement developed by the committee that some staff would like to see changed, so staff and the committee need to be involved. Staff can work on a revised mission statement and ask the committee for feedback. Ms. Featherstone will check with Dr. Kahl, see who responds back, and put out an advertisement to see if we can get interest.

**B. Calendar**

The next scheduled meeting is September 14, 2020. Mr. Lovin said the Board would follow the County and State guidelines in place at that time.

**C. Announcements**

Mr. Lovin thanked Mr. Raiford for the great job putting together the meeting for the Board. He also thanked staff for all their work behind the scenes, especially considering the current circumstances.

**VII. Public Comment**

No public comment was received. Therefore, there was nothing to read into the minutes.

**VIII. Adjournment**

Ms. Cloninger made a motion to adjourn. Dr. Kahl seconded the motion. Voting was conducted by roll call:



Mr. Koon - yes  
Mr. Storrow - yes  
Dr. Kahl - yes  
Ms. Cloninger-yes  
Mr. Lovin-yes  
The motion passed 5-0.

The meeting was adjourned at 4:48 pm.