

MEMORANDUM

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

FROM: Ashley Featherstone, Director

RE: Minutes for May 18, 2020

DATE: July 6, 2020

Enclosed, please find the Minutes for the **Monday, May 18, 2020** WNCRAQA board meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, July 13, 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 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 Teams Live and phone on Monday, May 18, 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 (Teams)
Karl Koon (Teams)
Dean Kahl (phone at 4:18, off 4:37)
Vonna Cloninger (phone at 4:12)
Joel Storrow (Teams)

Members Absent:

Staff Present (Teams): *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 (Teams): *Michael Frue, Attorney; Sybil Tate, Assistant County Manager; Terri Orange, Assistant Finance Director*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on May 18, 2020 at 4:00 pm.

The order of business was as follows:

A Roll Call was conducted by Mr. Lovin:

Vonna Cloninger-not present
Dean Kahl-not 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 Microsoft Teams Live. The public may listen to the meeting as it occurs at the following link: <https://bit.ly/2KV5V7z>. 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 5:00pm Sunday before the Board Meeting by sending an email to 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.

II. Adjustment and approval of agenda

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

Voting was conducted by roll call:

Mr. Koon-yes
Mr. Storrow-yes
Mr. Lovin-yes
The motion passed 3-0.

III. Consent Agenda:

A. Approval of minutes from March 9, 2020

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

Voting was conducted by roll call:

Mr. Koon-yes
Mr. Storrow-yes
Mr. Lovin-yes
The motion passed 3-0.

IV. Unfinished Business:

A. FY21 Budget Approval

The 2021 Air Quality Budget has been posted per requirements. Copies of the updated budget were sent to the Board. Ms. Featherstone said that one difference in the total budget is that it is about ten thousand dollars less than the Budget presented in March. Because of the anticipated loss of revenue due to COVID-19, the County cut OPEB (other post-employment benefits) across all departments for Buncombe County Fiscal Year 2021. The gas tax revenues were projected to be the same. The Agency found out in March that those revenues would be down, but we did not know by how much. The gas tax is about 15% of Air Quality's total budget. The State Division of Air Quality (DAQ) checked with the Petroleum Marketers Association who predicted that April's gas revenues would be down by 35%. The April gas tax reimbursement check was down by 20% from what Air Quality normally has received. The Agency does not know how this will affect this revenue going forward, but it is expected to be down.

Mr. Storrow said many local and state agencies are anticipating loss in revenue and may have to propose amended budgets about six months into the budget year. He wondered if this Agency would need to do this. Ms. Featherstone said that staff did not think so at this time. The gas tax is the main revenue stream of the Agency that is affected. The Agency does not receive funds from the County who receives a lot of revenue from sales tax. The tax revenue has decreased due to Covid-19 concerns and restrictions. The State DAQ derives about 40% of their budget from the gas tax so this affects them to a larger degree. They also get funds from the State Inspection and Maintenance and those funds could be delayed. This Agency does not receive any of these funds.

Mr. Lovin noted that he had requested additional information from Ms. Featherstone and Ms. Brown regarding budget items. He said his questions were answered to his satisfaction.

There were no public comments.

Ms. Cloninger logged in by phone officially at 4:12pm. She was able to hear and see the meeting to this point but could not be heard. She stated that she had no concerns or questions about the proposed budget.

Mr. Lovin thanked Ms. Orange and Ms. Tate for attending and being available for questions.

Mr. Koon made the motion to approve the Air Quality Budget for 2021. Mr. Storrow seconded the motion.

Voting was conducted by roll call:

Ms. Cloninger-yes

Mr. Koon-yes

Mr. Storrow-yes

Mr. Lovin-yes

The motion passed 4-0.

Mr. Lovin will make arrangements to sign the Budget Ordinance.

V. Director's Report:

A. Duke Energy Progress Update

Ms. Featherstone said the Agency has been working on this permit for quite a while. The permit went to public notice in December. There were comments that needed to be addressed. These included significant comments from the Sierra Club. Mr. Raiford did a lot of work on the response to comments and made some revisions to the permit. The responses to comments and revised permit were submitted to the EPA in March. The Agency subsequently made one additional revision to the permit and resubmitted it to EPA for review in April. One of the changes made to the permit included updated stack testing to verify an emissions factor. The commenter thought the testing should be repeated, and staff agreed. The rules allowed the Agency to require validation testing every five years, but staff decided to require that the emissions factor be revalidated in 2 years instead of 5 years. This was a good change to permit. The permit already did not allow the facility to run Units 1 and 2 (the coal fired units) once the new equipment came online, but that was not explicitly stated. This was discussed with the EPA since Duke would like to stop running the SO₂ monitors now that they are not burning coal. There are three years of monitoring data now. Staff added specific language that Duke Energy Progress would not be allowed to operate Units 1 and 2. These units were shut down permanently in January of 2020. The EPA had no comments on the permit.

Dr. Dean Kahl, Board Member, joined the meeting by phone at 4:18 pm.

Each member received all the pertinent information sent out by Ms. Brown. This included the comments and response to comments relating to the draft permit. To verify that each Board member received this information, Mr. Lovin conducted a roll call confirmation:

Ms. Cloninger-yes

Dr. Kahl-yes

Mr. Koon-yes

Mr. Storrow-yes

Mr. Lovin-yes

Mr. Lovin thanked staff for all the work involved with this permit.

B. Air Quality Monitoring Update

Mr. Lance said since the Stay at Home Order has been enacted staff has been able to keep the monitoring equipment operating as usual. The Agency is about two months into the ozone season. It has been mostly smooth so far. An electrical storm caused a power outage resulting in a glitch to the computer system. It was fixed quickly so there was not much data lost. There have been no high ozone values so far this season. During the second quarter, staff typically asks for a state audit. Staff will have to figure out how to do that due to COVID-19 restrictions.

Duke has requested that they be able to stop operating the SO₂ monitor. The state agreed, but the EPA has requested that Duke continue to operate the monitor until the end of the calendar year. Staff is waiting for a determination from the EPA headquarters.

Mr. Lovin asked about the power outage. There was less than 24 hours of data lost. The Agency is required to have 75% data recovery over any time period. For the ozone season, the Agency has over 90% data recovery so far. Mr. Frue said that Buncombe County is allowed to do remote permitting. There have been accommodations for that type of situation. Mr. Lance explained that regarding the quarterly audit, the Agency requests this audit quarterly; the EPA does not require the audits that often. As long as the Agency has one state audit during ozone season that runs through October, that will meet EPA requirements. All requests for audits are recorded.

C. COVID-19 Update

Ms. Featherstone said the office is still officially closed to the public, as are similar City and County offices, like Permits and Inspections. Mike Matthews is our key skeleton crew person that is onsite at the Building Permit office issuing demolition and renovation permits. Even though they are not open to the public, he can do a lot remotely by email and mail. Mr. Lance and Mr. Raiford are doing monitoring in the field. Staff is working remotely from home. The County has provided many resources. The Agency has a Continuity of Operations Plan; there had not been one before now. The County is working on a Reopening Plan. Each department has been asked to develop a plan. Sybil Tate has been working with the Agency on that and helping to address everyone's needs. The County has provided supplies such as PPE (personal protection equipment), disinfectant, and hand sanitizer. The County is working on policies for telecommuting, wearing face coverings, and things of that nature.

Dr. Kahl dropped off the call at 4:27 pm.

It is not known when the Agency will be reopening. It could be a couple of weeks or when the governor announces Phase 3 of the state plan. Things may be different with staggered work schedules. There are only five staff and it is uncertain how the Agency will address the schedule, perhaps two work one week and the other two the next. Staff will limit exposure to each other by maintaining six feet distancing and wearing face coverings. Staff is continuing the same services, but not doing routine compliance inspections. Staff is trying to be mindful of complaints. Mr. Lance is working with the fire departments on open burning complaints, and has

asked them to go out and provide a report where possible. Some complaints staff has to go out on. Staff is trying to maintain social distance and wear masks when on complaints. The Agency receives emissions and monitoring reports that staff is able to review for compliance for facilities including Duke Energy Progress.

The Agency may be asked to relocate again so that the Tax Department can use the building and reinstall the teller line (the Agency is located in what was a bank building). The Tax Department has a lot of personal interaction with the public. If the Agency is moved, the Building Permit Office is one possible location under consideration.

Air Quality does not have the ability to take electronic payments. Ms. Tate is trying to assist the Agency with taking electronic payments. The County Permit office is only taking electronic payments, no cash or checks due to COVID-19. The County will try to fast track this ability for Air Quality in fiscal year 2021, when the Agency starts paying full IT indirect charges. This could occur as early as July.

The Agency needs to fill the vacant Permit Program Manager position. This was Ms. Featherstone's position before she became Director. The County is trying to delay filling vacant positions due to the current financial situation with COVID-19. The Agency has permission to fill this position in July. Funding for the new hire is included in the approved 2021 Agency budget.

The Agency will reopen at same time as Permits & Inspections and Planning. Mr. Lovin thanked Agency staff for all their hard work. Ms. Featherstone was deployed to work on the County's Reassignment Committee. This assignment ended in April. Ms. Featherstone thanked the staff for all their hard work. Mr. Raiford and Ms. Brown have been doing the Permit Program Manager work. Mr. Matthews and Mr. Lance have also been doing extra work.

Mr. Tate thanked Mr. Featherstone for her work for the County. Ms. Featherstone thanked Ms. Tate for her assistance in reopening efforts.

D. Clean Air Compliance Awards

Staff issues these every year, usually in May. The memo was sent out after the Board packet. The Board should have received the list today. Staff sends out a certificate to recognize that the facility has complied with their permit conditions for the previous calendar year. As is listed in the memo, 50 facilities will receive the certificates for 2019.

E. Clean Air Excellence Awards

Notice that the Agency is accepting nominations has been sent out, and it has been posted on the Agency web site. Nominations will be accepted through June 19.

F. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Duke Energy Progress, Inc.	Electric Generating Utility	Title V	96 New Rockwood Road, Arden	Incorporation of plantwide applicability limits for particulate matter in accordance with New Source

				Review regulations. Coal fired Units 1&2 no longer permitted to operate. Updates to new equipment descriptions. Correction of a permit condition for NSPS Subpart TTTT. Insignificant activity list updates.
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Ms. Featherstone said the Agency received good comments about the draft permit which staff was able to address. The permit will be effective June 1 if approved today. This permit will give the facility more flexibility with running the peaking turbines, Units 3 and 4, which they have had since the 1990's. The permit includes a facility wide limit instead for particulate matter instead of limits on those units, which will allow the plant to run those units more often. This is in accordance with the EPA's plant wide applicability limit (PAL) rules, which have only been on the books for a few years. This is the first PAL permit that the Agency has processed. Mr. Storrow praised staff for pushing through this complicated process and agreed that it is a good permit. Mr. Raiford did the majority of the work on the permit after Ms. Featherstone became Interim Director.

Mr. Koon made a motion to approve the facility permit modification for Duke Energy Progress, Inc. Ms. Cloninger seconded the motion. Voting was conducted by roll call:

- Ms. Cloninger-yes
- Dr. Kahl-not present
- Mr. Koon- yes
- Mr. Storrow-yes
- Mr. Lovin-yes
- The motion passed 4-0.

VI. New Business:

A. Legal Counsel Report

Mr. Frue said that the County would proceed with virtual meetings for some time. Mr. Frue has not heard word from the Governor about going to Phase 2. The County is in expanded Phase 1 of the State Recovery Program. If the Agency has a hearing coming up that is required to be public, Mr. Frue will work with Ms. Featherstone to have procedures in place for the Agency to follow. The new law regarding public meetings does allow for electronic public hearings.

VII. Other Business:

A. Advisory Committee Report – Dean Kahl

Dr. Kahl has dropped off the call. Ms. Featherstone said that the Agency has put the process of looking for new members of the advisory committee on hold since Mr. Brigman retired. Now the Agency has a new Director, but staff has been dealing with meeting restrictions due to COVID-19. Staff has not advertised for new members. If the Agency receives any Clean Air Excellence Award nominations, staff will ask the committee to meet.

There were a couple issues with the board members connecting to the electronic meeting. Mr. Lovin's audio and video froze, and Ms. Cloninger said she was hearing every other word.

B. Calendar

The next scheduled meeting is July 13, 2020. Mr. Lovin said the Board would follow the County and State guidelines in place at that time.

C. Announcements

Mr. Lovin said that Dr. Kahl’s tenure as a Board member is ending. Dr. Kahl was a City representative, but he has moved out of the City. Mr. Lovin and Ms. Featherstone have been in contact with the City about filling that position. Due to COVID-19, the City has put all new Board appointments on hold. Mr. Lovin contacted Mr. Frue for guidance. Dr. Kahl has agreed to continue until a person is appointed to his position by the City. This keeps the Board a five-member board, which prevents a possible tie vote. Mr. Lovin said that he appreciates Dr. Kahl’s commitment to stay on the Board. The Board will recognize Dr. Kahl’s accomplishments and work with the Board at another time.

Mr. Koon’s term is also expiring July 1st. Mr. Koon has gracefully agreed to continue on the Board. The Agency contacted the County to request Mr. Koon be re-appointed to our Board.

Mr. Lovin thanked everyone for working through the challenging times. He specifically thanked Mr. Raiford and Sean Hammac with IT for making the meeting work.

VIII. Public Comment

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

IX. Adjournment

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

- Ms. Cloninger-yes
- Dr. Kahl-not present
- Mr. Koon-yes
- Mr. Storrow-yes
- Mr. Lovin-yes
- The motion passed 4-0.

The meeting was adjourned at 4:49 pm.