

TO: Western North Carolina Regional Air Quality Agency Board of Directors
FROM: Betsy Brown, Air Quality Supervisor
SUBJECT: November 14, 2016
DATE: December 30, 2016

Please find attached a copy of the **MINUTES** from the November 14, 2016 Board Meeting. The next meeting of the WNCRAQA Board is scheduled **Monday, January 9, 2016**, in the Buncombe County Planning and Development Board Room at 30 Valley Street, Asheville, N.C. 28801.

The Western North Carolina Regional Air Quality Agency Board of Directors met on Monday, November 14, 2016, at the boardroom of the Western North Carolina Regional Air Quality Agency, located at 125 South Lexington Avenue Suite 101, Asheville, N.C.

The attendance of the Board members was as follows:

Members Present:

Britt Lovin

Dean Kahl

Joel Storrow

Karl Koon

Vonna Cloninger

Members Absent:

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

Others Present: *Michael Frue, Board Attorney*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on November 14, 2016 at approximately 4:01p.m.

The order of business was as follows:

I. Public Comment Protocol Announcement:

Mr. Lovin started the meeting by reading the announcement about the public comment protocol.

II. Adjustment and approval of agenda

Mr. Koon motioned to approve the agenda and Ms. Cloninger seconded the motion. The motion passed 5-0.

III. Consent Agenda:

A. Approval of minutes from Sept 12, 2016

Ms. Cloninger motioned to accept the minutes and Mr. Storrow seconded the motion. The motion passed 5-0.

IV. Director's Report:

A. Discussion of Agency Building and Office Space

The Agency is moving again. The County wants to sell the current office space. Power bills and HOA fees are high, and it is not particularly well insulated. The County offered us space at 200 College Street on the third floor. Staff will have to share office space. The lab will be on the other side of College Street under the Register of Deeds office. December 5th is our scheduled move date. The County will pay for our move. We will use the Planning Board Room at the Permit and Inspections building for future Board meetings. This is the old County Commissioners Board Room. It is a bigger space. Parking for our offices is provided in the

county parking deck. This move should save us about \$1000 per month in power bills, HOA fees, and cleaning services.

B. Monitoring Program Update

Kevin Lance reported that we finished ozone season a couple of weeks ago. We only had one exceedance. There were 185 green days, 28 yellow days, and just 1 orange day. The concern now is the smoke from the wild fires in and near our area. Within the last hour the monitor was reading about 50 micrograms per cubic meter (ug/m^3). It is usually 8-10 ug/m^3 this time of year. On Sunday we had a high reading of 219 ug/m^3 .

We have an issue with one of our PM monitors, the BAM. We have replaced the continuous emissions monitor with one that utilizes new technology. Other agencies are also having problems with these monitors. Ours has been sent back; the state loaned us one to use in the meantime. We think it is a humidity problem. We have one ozone monitor. The state went through a big push to eliminate any monitor not required by the federal register. The one in Bent Creek has been in the area 20+ years. It would be hard to get permission from the EPA to move it from that location.

Ms. Cloninger asked about what constituted code purple. It is when the AQI exceeds 151. Overnight we had two readings of code purple. These were the highest PM_{2.5} readings that we have ever measured. We had two hours on Saturday (November 12) over 150. The actual number was 201 micrograms per cubic meter. That number is converted to the AQI number.

Mr. Brigman has heard from the Director of Air Quality for the State who had spoken with the US Forest Service. They have asked us to participate in a joint call center with the Forest Service, Mission Hospital, Emergency Management Services, County Health Department, the DAQ Asheville Regional Office and other agencies. They want to staff this center from 8am to 8pm, seven days a week. Currently the Forest Service is issuing an air quality forecast based on their modeling, and does a city by city forecast which is different from ours (DAQ's), and more site specific. We are getting impacts from multiple directions, multiple fires. The Agency can advise the schools in terms of student activities outdoors but we cannot mandate that the schools keep the students inside based on air quality conditions. The principals are on our forecast list. The forest service says 2 inches of rain or snow will be required to put out the fires; there is no rain in the forecast. The daily standard is 35 ug/m^3 . Most days are around 5 ug/m^3 . We hope to be able to write all this off as an exceptional event from an air quality monitoring perspective. Mr. Brigman asked if Board members or some members of the Advisory Committee might want to participate in the call center.

C. SO₂ Monitoring/Modeling Update

There have been numerous calls and meetings. Duke is still hopeful that the most recent modeling that shows compliance will be approved by EPA. If not, they have to go ahead with monitoring. They are in the process of siting a monitor on Brown Mountain where a monitor was located in the past, if the modeling is not approved. We cannot really wait until the EPA makes the final decision (if monitoring is necessary, the monitor has to be up and running by the first of the year). Data was submitted to the EPA about 2 weeks ago. This is another submittal. The latest modeling utilizes more recent data. Duke has been running cleaner and the new weather data is more favorable. Although Duke is running an SO₂ monitor now, the site (on Duke's property across the lake from plant) has not been approved by EPA. They will be following the same SOPs as the state's monitoring program, subject to the same reviews.

D. Duke Energy Progress Permit Modification Update

There are two permit applications pending. One is the construction permit for the new combined cycle natural gas units. There will not be a 30 day public notice for this one since we are following the two step permitting process. This permit will probably come before the Board in January. If it is ready mid-December we could consider a special Board meeting. There is also a significant modification to put more specific permit requirements into the existing permit for the Mercury Air Toxics (MATS) rule. The plant is already required to comply with these rules. The proposed construction date for the natural gas plant is April 2017. They are allowed to do clearing, grading and running lines before they receive their construction permit.

V. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Arvato Entertainment, LLC	Media Replication Services Facility	Synthetic Minor	Monticello Road, Weaverville	Arvato has requested a classification change to a small source.
Bonar, Inc.	Non-woven / Geo-synthetic Fibers Manufacturing Facility	Title V	Sand Hill Road, Enka	Name change
Buncombe County Detention Center	Correctional Facility	Small	Valley Street, Asheville	Change of status to emergency engines has resulted in a change to regulatory requirements. Permit conditions will be updated to remove requirements that no longer apply.
Cormark International LLC	Wood Millwork Facility	Small	Reams Creek, Weaverville	Cormark requested an expedited permit to add additional equipment and an additional baghouse to their woodworking operations.
Southern Concrete Materials - Biltmore	Ready-mix Concrete Facility	Small	Meadow Road, Asheville	SCM is proposing to replace current baghouses, 1 central system with 6 baghouses to accommodate a more efficient transfer system. No increase in maximum production rate.

Ms. Cloninger moved to approve all permit modifications. Mr. Koon seconded the motion. Motion passed 5-0.

VI. New Facility Permit

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Norfolk Southern Railway Company	Locomotive Fueling Yard	Small	Meadow Road, Asheville	Existing sand distribution system including a silo, transfer systems, dispensing wands, and dust collectors.

Mr. Storrow moved to approve the permit. Ms. Cloninger seconded the motion. Motion passed

VII. V. New Business:

A. Proposal of Regulatory Changes

There are two regulatory changes to consider. The first is an open burning rule change. This relates to session law that passed the legislature back in 2014 and was mandated, so we do not have a choice in adopting this rule. This rule change did not become effective in the state code until July of 2016. The amended rule says that residents can burn stumps and logs and it shall not be a nuisance. We typically wait until a rule change becomes effective in the state code before we adopt it by reference. The state EMC approved this rule amendment back in 2015, but whenever they have more than 10 letters of objection, the amendments become effective following opportunity for legislative review. The DAQ and WNCRAQA have been implementing these changes as required by the session law since it was enacted on September 18, 2014. We do recommend adopting this amendment into our code.

The second is a package of rules relating to permitting. We do not recommend adopting these at this time, except for one. Sometimes we do not adopt State rules that are less stringent. We must be at least as stringent as the state. The state has modified their permit exemption rule to allow facilities to opt out of permitting if their emissions are less than 25 tons of criteria pollutants per year. The previous threshold was 5 tons. There are a lot of logistical issues that the state is having to work through. In the state, about 1100 out of 1600 small sources are now eligible to opt out of permitting. Fifteen percent of 1100 (about 300) have shown interest or asked for permit rescission. The enforcement and permit workgroups are trying to work through all the logistical issues that have arisen. The state still plans to track and inspect the facilities. We rely on permit fees to pay for staff to write permits and inspect the facilities. If you are going to go out and inspect a facility, and there is no permit, what are you being inspected for? Also, where do you find the funding for staff? If the facility does not have a permit, it would take longer for an inspector to determine compliance if there is not a permit outlining the current regulations that affect that facility. The permit is a compliance assistance tool and the facility is kept aware of new requirements with their permit. We are studying this rule amendment.

The second rule, NC DAQ's equivalent of WNCRAQA Code 17 .0302, was repealed because with the changes to the previous rules, it is no longer needed. The rule concerning emergency generators was a special exclusionary rule that was never adopted as one of our rules so we don't need to amend it. We are interested in adopting Chapter 17.0318. It makes it easier for small sources to make changes without opening their permit as long as they notify us and the change does not result in any changes to applicable regulations. For instance, if a facility has five paint booths and they want to add a sixth paint booth, this could be done without a permit modification if all applicable rules are already in the permit.

We would like to adopt 17 .0318 because it offers some flexibility to small sources which the Title V facilities have. We can adopt the other rules at a later date after further review if need be. If we adopted the changes and needed to make amendments at a later date, it is possible that we would have to go to the City Council, County Commissioners, and NC EMC for approval if it was determined that we were proposing rules that were different from state rules. Mecklenburg County has not adopted the rule amendments. Forsyth County is expected to adopt the rule amendments. They get a substantial amount of their funding from the county budget.

Mr. Koon moved to approve the open burning and .0318 changes. Ms. Cloninger seconded the motion. Motion passed 5-0.

B. Delegation Request for 40 CFR 62 Subpart LLL-Existing Sewage Sludge Incinerators

The way our agency is set up, we are delegated authority for new air pollution rules. However, one exception is rules related to waste combustors, they are regulated under Section 129 of the Clean Air Act. We do not have automatic delegation. Emissions guidelines are not rules. States have three years to write state plans into their code based on the emissions guidelines that are issued by EPA. The EPA also issues a federal plan which is effective in states that do not have approved state plans. The state of NC did not submit a plan. The federal plan went into effect earlier this year, but we do not have the ability to implement it as it is federally enforceable only. As a result, the facilities have to send reports to EPA in Region 4 and to us. There are four sewage sludge incinerators in NC. The Metropolitan Sewerage District of Buncombe County is in our jurisdiction. We have only been able to offer compliance assistance. We and DAQ have discussed the situation with our facilities and we are all in agreement that submitting a delegation request to EPA is the best option at this time. The state issued a public notice regarding their request for delegation a couple of weeks ago. We are asking the Board to do the same. Once the notice is issued, we have 30 days until we can have the required public hearing, which we have tentatively scheduled for December 21 at 3PM. Mr. Lovin has agreed to be the hearing officer. After the public hearing, we expect to submit a request for delegation authority to EPA. The state is working on a plan that will be incorporated into their code, which could take approximately three years. If the plan is approved, we can adopt it into our code. EPA would still have some oversight authority since these are federally mandated requirements.

We are asking the Board's permission to request delegation from the EPA. Anything we do not adopt by reference has to go to public notice, including this delegation request. MSD has done a lot of work and added equipment to comply with these new rules. The incinerator is an existing unit that has been operating for several years. We do not expect a lot of public interest. The facility has a permit and we inspect it every year. We will use Mike Matthews's office address, 30 Valley Street, as the address to send comments, since the Agency is moving during this time and our mailing address is changing. Mr. Storrow said his company is the engineering firm on record for MSD. Mr. Storrow abstained in case there could be a conflict of interest.

Mr. Koon motioned for the Agency to request delegation authority to inspect and monitor sewage sludge incinerators. Ms. Cloninger seconded. The motion passed 4-0.

C. Legal Counsel Report

Mr. Frue had to leave prior to his report.

VIII. Other Business:

D. Advisory Committee Report – Dean Kahl

The committee has not met in almost a year.

E. Calendar

1. Next Regular Scheduled meeting is January 9, 2017 at 4PM.

Please look at the proposed calendar for next year before the next meeting.

B. Announcements: None

IX. Public Comment:

There were no public comments.

X. Adjournment:

The meeting was adjourned at 5:06 PM.