

TO: Western North Carolina Regional Air Quality Agency Board of Directors  
FROM: Juanita Shanley, Administrative Secretary  
SUBJECT: January 10, 2011  
DATE: February 24, 2011

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Please find attached a copy of the **DRAFT MINUTES** from the January 18, 2011 Board Meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, March 14, 2011** in the Agency Board Room at 49 Mt. Carmel Road, Asheville, NC.

CC: Mr. Jim Siemens, Board Attorney

The Western North Carolina Regional Air Quality Agency Board of Directors met on Monday, January 11, 2011, at the boardroom of the Western North Carolina Regional Air Quality Agency, located at 49 Mt. Carmel Road, Asheville, NC.

The attendance of the Board members was as follows:

Members Present:

*Britt Lovin*

*Karl Koon*

*Vonna Cloninger (via*

Members Absent:

*Dean Kahl*

*Loyd Kirk*

Staff Present: *David Brigman, Director; Juanita Shanley, Administrative Secretary; Ashley Featherstone, Engineering Supervisor; Mike Matthews, Engineer; Vic Fahrer, Engineer; Kevin Lance, Enforcement and Monitoring Supervisor; James Raiford, Engineer; Arnie Lingle, Inspector.*

Media Present:

Others Present: *Jim Siemens, Attorney*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on January 18, 2011, at approximately 4:03 p.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. APPROVAL OF AGENDA:***

Item VI. B. Due to the weather, the Standing Ovation Awards have been postponed until the March Board meeting. The Advisory Council Report will also be postponed until March since Dr. Kahl could not be here for today's meeting. There were no other changes to the Agenda and Mr. Koon made a motion for approval. Ms. Cloninger seconded the motion and it was approved 3-0.

Mr. Lovin wanted to inform the Board that Mr. Kirk and Dr. Kahl could not make the meeting due to other obligations. Ms. Cloninger could only participate via phone so we had checked with council and pursuant to 143-318.10, her participation by phone, including voting, was fine.

**III. CONSENT AGENDA:**

**Approval of minutes from the November 8, 2010 and the December 21, 2010 Board**

**Meeting:** Ms. Cloninger made a motion to approve the minutes with no changes and Mr. Koon seconded the motion. The motion passed 3-0.

**IV. UNFINISHED BUSINESS:**

A. **Fee Increase Update:** The Agency has looked at the fee structure and felt we needed to increase fees by category. We will increase our tonnage fees for industrial sources which will help bring our fees up so that the Title V program can pay for itself. We will also increase application fees and miscellaneous fees to bring them more in line with the workload associated with these permits. Stage 1 will be changed from three tier to four tier and fees will be increased. Most of our workload for Stage 1 comes from the small stations, but the emissions are much greater at the larger stations. Asbestos fees will also be increased slightly. Ms. Featherstone pointed out that we have proposed a non-attainment fee which can be added if we do go non-attainment in the future. This fee is in line with what other agencies are charging and this is simple being added to the rules now because we have them open for change. Mr. Lovin added that this is for Board review and will have to go out for public comment before a vote in March. Mr. Koon asked about implementation of the fees. Mr. Brigman stated the fees would start when approved by the Board but some will not be charged until next year. Mr. Koon made a motion to go out for public comment and Ms. Cloninger seconded the motion. It was approved 3-0.

B. **Lunsford Appeal Hearing:** Mr. Lovin recommended the penalty be upheld. He informed the Board they had the option of upholding his recommendation, reducing it, doing away with it completely or accepting Mr. Lunsford's offer of 30%. Mr. Koon asked about nonpayment and Mr. Siemens stated that we would file a small claims action. Ms. Cloninger commented she did not feel this fine was unfair and made a motion that the recommendation of the Hearing Officer be upheld. Mr. Koon seconded the motion with further discussion. The motion was approved 3-0.

**V. DIRECTOR'S REPORT:**

Mr. Brigman informed the Board that we had issued another violation to a gentleman in Leicester who was burning styrofoam trays. He has sent a letter to the Board asking for a reduction of his fine. The penalty was \$906.00 and he offered to pay \$200.00. Since he made an offer to the Board they will need to either accept the offer or turn it down. There was some further discussion, and then Ms. Cloninger made a motion not to accept the \$200.00. Mr. Koon seconded the motion and it was approved 3-0.

**A. Facility Operating Permits (Renewals)**

<b>Facility Name</b>	<b>Type of Facility</b>	<b>Facility Classification</b>	<b>Location</b>	<b>Changes from Existing Permit</b>
Arvato Digital Services, LLC	Media Replication Services Facility	Title V	Monticello Road, Weaverville	Equipment from Part II of the permit (Permit to Construct and Operate) will be rolled into Part I (Permit to Operate). Requirements for a new federal GACT regulation for hazardous air pollutants will be incorporated. Insignificant activity list will be updated.
Enerdyne Properties, LLC – Buncombe Generation Station	Landfill Gas Electric Generation Facility	Small	Riverside Drive, Asheville	Provisions for demonstrating compliance with NC Senate Bill 3 (affecting renewable energy production facilities that combust biomass) may need to be added.
Flint Group	Fabricated Rubber Products Manufacturer	Title V	Glen Bridge Rd., Arden	Equipment from Part II of the permit will be rolled into Part I. CAA §112(j), referred to as the MACT “hammer” provisions will be incorporated for the boilers. Insignificant activity list will be updated.
MAACO Collision Repair and Auto Painting	Collision Repair and Auto Painting Shop	Small	Old Haywood Road, Asheville	Requirements for a new federal GACT regulation for hazardous air pollutants will be incorporated. Insignificant activity list will be updated.

There were no questions regarding the operating permit and Mr. Koon made a motion to approve the permits. Ms. Cloninger seconded the motion and it was approved 3-0.

**B. 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>
Asheville Area Alternative Funeral & Cremation Services	Crematory	Small	702 Riverside Drive, Asheville	Ownership change
BorgWarner, Inc.	Automotive Components Mfg. Facility	Title V	Brevard Road, Asheville	An option to combust gasoline in the existing test cells will be included.

B.V. Hedrick Gravel & Stone – Grove Stone Quarry	Stone Crushing & Processing Facility	Small	Old U.S. 70, Swannanoa	Addition of a static screen
B.V. Hedrick Gravel & Sand – North Buncombe Quarry	Stone Crushing & Processing Facility	Small	100 Goldview Road, Weaverville	Addition of two conveyors
Progress Energy Carolinas, Inc. – Asheville Steam Plant	Electric Generating Utility	Title V	200 CP&L Drive, Arden	An option to demonstrate compliance with PM and VE limits using a PM CEMS monitoring and recordkeeping approach will be included in the permit. Equipment from Part II of the permit will be rolled into Part I.

There were no questions regarding the permit modification and Ms. Cloninger made a motion to approve the permits. Mr. Koon seconded the motion and it was approved 3-0.

Mr. Lovin just wanted to inform the Board that he and Mr. Brigman have had many conversations regarding the various permits and also the budget and fees issue and he feels comfortable with what the Agency is doing. Just wanted to let the Board know if they ever have a question about something they should feel free to call him or Mr. Brigman to discuss.

**VI. NEW BUSINESS:**

**A. Legal Council Report – Mr. Siemens:** Mr. Siemens updated the Board on where we stand with the Blue Ridge Concrete and Pitrolo lawsuits.

Blue Ridge Concrete is now with the Superior Court. He has filed a response to their Petition for Review and challenged their standing that the Petitioner is not an aggrieved party and cannot appeal.

We also heard from Mr. Doughton regarding the Pitrolo suit. The Fourth Circuit Court of Appeals has reversed the motion by Judge Thornburg and stated they can award claims. It has gone back to the District Court for review but a date has not been set. We should have a date within the next 2-3 months.

Mr. Lovin informed the Board he had a meeting with Mr. Siemens. His business has grown to the point where the Agency needs to look for council to replace Mr. Siemens. He will still handle the continuing lawsuits but we will look for other council for the Agency. Mr. Brigman should have a report in March as to the outcome.

**VII. OTHER BUSINESS:**

- A. **Advisory Committee Report – Dean Kahl:** Postponed until March meeting.
- B. **Calendar:** The next meeting for the Board will be March 14, 2011 at 4:00 p.m.
- C. **Announcements:** None

**VIII. PUBLIC COMMENT:**

None

**IX. ADJOURNMENT:**

With no further business, Ms. Cloninger moved that the meeting be adjourned at approximately 4:40 p.m. and Mr. Koon seconded the motion. The motion passed 3-0.