

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

FROM: Juanita Shanley, Administrative Secretary

SUBJECT: May 9, 2011

DATE: June 27, 2011

Please find attached a copy of the **APPROVED MINUTES** from the May 9, 2011 Board Meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, July 11, 2011** in the Agency Board Room at 49 Mt. Carmel Road, Asheville, NC.

The Western North Carolina Regional Air Quality Agency Board of Directors met on Monday, May 9, 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
Loyd Kirk
Dean Kahl
Vonna Cloninger
Karl Koon

Members Absent:

none

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

Media Present: *none*

Others Present: *Curt Euler, Attorney*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on May 9, 2011, at approximately 4:00 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:

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 5-0.

III. CONSENT AGENDA:

Approval of minutes from the March 14, 2011 Board Meeting: Ms. Cloninger made a motion to approve the minutes with no changes and Mr. Kirk seconded the motion. The motion passed 5-0.

IV. UNFINISHED BUSINESS:

A. FY12 Budget Approval: Mr. Brigman informed the Board that the WNCRAQA Budget went out for the thirty day public comment period and we received no comments. He told the Board that the payroll portion of the Budget would change depending on the additional charges from the county. This occurs every year when the county adjusts their benefit expenses. The revenue numbers will also change to adjust to the expenses. If approved by the Board this budget will become effective July 1, 2011. Mr. Kirk made a motion to approve the budget and Dr. Kahl seconded. The motion was approved 5-0.

V. DIRECTOR'S REPORT:

A. Quarterly Report – 1st Qtr 2011: Mr. Brigman ask if the Board members had any questions about the Quarterly Report for 1st quarter 2011. There were none.

B. Sulfur Dioxide Standard and the Attainment Boundary Designation Process: On June 2, 2010, EPA promulgated a new 1 hour primary NAAQS for sulfur dioxide, which has been set at 75 parts per billion. A special purpose monitor was operated by the agency several years ago and measured levels were well below the prior standard (24 hour standard of 140 parts per billion). As a result, monitoring was discontinued. EPA guidance indicates that when states make their attainment boundary recommendations, they must consider monitoring and modeling data. If monitoring data is not present, modeling data can be used to support an attainment designation. Modeling data must be based on allowable (not actual) emissions. Generating modeling data is a very resource intensive process. The local programs and the state Division of Air Quality (DAQ) have discussed the situation and DAQ has indicated that time and resources will not allow generation of modeling data for large areas of the state prior to the deadline by which the state must make recommendations to EPA on attainment boundaries. Areas like Buncombe County for which modeling data for sulfur dioxide is unavailable during this process will likely be deemed “unclassifiable.” Large sources of sulfur dioxide emissions in unclassifiable areas will not be required to comply with Nonattainment New Source Review when undertaking major permit modifications. Unclassifiable areas will have to be modeled and any issues addressed before they can be deemed attainment areas again. Local programs have the option to try to generate the modeling data prior to the designation if they think they can model attainment and wish to avoid the unclassifiable designation. Only one local program in NC is planning to conduct modeling to submit as part of this process, all other counties are expected to be deemed unclassifiable or in one case, nonattainment. The standard is being challenged in court. We have spoken with the county and explained the situation. They concur that there does not appear to be a benefit for submitting the modeling data prior to the designation process.

Modeling will be required after the designations are made in order to assess and address compliance with the standard.

C. Facility Operating Permits (Renewals)

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Asheville Landfill Gas	Landfill Gas Collection, Control, and Distribution Facility	Small	Riverside Dr., Asheville	None

There were no questions regarding the operating permit and Mr. Koon made a motion to approve the permit. Mr. Kirk seconded the motion and it was approved 5-0.

D. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Asheville Pet Crematory, Inc.	Pet Crematory	Small	Summer Haven Road, Swannanoa	Permit amendment to remove condition requiring compliance with operational standards that do not apply to pet incinerators
Forest Lawn	Pet Crematory	Small	Candler	Permit amendment to remove condition requiring compliance with operational standards that do not apply to pet incinerators
Vulcan Construction Materials, LP	Stone Crushing & Processing Facility	Small	Highway 19/23, Enka	Replacement of a screen

There were no questions regarding the permit modifications and Ms. Cloninger made a motion to approve the permits. Mr. Kirk seconded the motion and it was approved 5-0.

E. New Facilities

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Cormark International, LLC	Wood Millwork Facility	Small	Reems Creek Road, Weaverville	Various woodworking equipment including a planer, molder, saws, and a sander

Ms. Featherstone gave a brief description of the operation and why they need a permit. There were no questions regarding the new facility permit and Mr. Koon made a motion to approve the permit. Ms. Cloninger seconded the motion and it was approved 5-0.

VI. NEW BUSINESS:

A. Proposed Amendment to Civil Penalty Policy: The General Statutes define the maximum fine the Agency can issue. The state amended the General Statutes to increase these maximum fines and last year also changed the Statutes for the local agencies. We are changing our policy to match the changes. Mr. Koon moved to approve the change and Mr. Kirk seconded. It was approved 5-0.

B. Proposal to charge fee for City and County Permit Reviews: Mr. Lovin told the Board he and David had discussed this proposal before and they felt it would help with the budget shortfall this year. Mr. Brigman explained that the Agency looks at approximately 800 city and county permits every year, and we have always reviewed these permit at no charge. Some are simple reviews but a substantial number of these take considerable time. Many require several conversations with the owner or contractor and some require inspection reports which have to be reviewed once received. We have talked to the city and county permitting departments and they don't see any problems with the Agency charging a review fee. Most departments within the city and some within the county already charge to review permits. This proposal will go out for a thirty day public comment period before a final vote can be taken.

Mr. Koon stated he felt like we were adding more and more fees to the public and had some reservations about this proposal. He wanted to look at some permits just for review before the next meeting. Ms. Cloninger made a motion to accept the proposal and go out for public comment. Mr. Kirk seconded the motion and it was approved 4-1 with Mr. Koon voting nay.

Mr. Brigman also informed the Board that the Agency has a commercial asbestos criminal enforcement case in the works that should go out in the next couple of weeks.

C. Legal Council Report – Mr. Euler: Mr. Euler stated he had nothing to report at this time.

Ms. Cloninger had to leave the meeting early.

VII. OTHER BUSINESS:

A. Advisory Committee Report and Proposed Amendment to Committee Guidelines– Dean Kahl: Dr. Kahl stated the committee met on March 21 and discussed new projects. Have a document with five different projects the committee will be working on. They are looking at the web site as one project. The next meeting will be on May 23 to discuss this and other projects. Dr. Kahl made a motion to modify the guidelines for the committee. The number of members will be kept at twelve and they will do away with the requirement to have a quorum. Meetings will be held bi-monthly and if there are no projects to work on they will not meet. Mr. Kirk seconded Dr. Kahl's motion and it was approved 4-0.

B. Calendar: The next meeting for the Board will be July 11, 2011 at 4:00 p.m.

C. Announcements: Ms. Featherstone wanted to let the Board members know about the *Pat on the Back* awards. The Agency was giving out fifty awards to facilities that have had no violations or substantive complaints this year.

VIII. PUBLIC COMMENT:

None

IX. ADJOURNMENT:

With no further business, Mr. Kirk moved that the meeting be adjourned at approximately 4:44 p.m. and Mr. Koon seconded the motion. The motion passed 4-0.