

TO: Western North Carolina Regional Air Quality Agency Board of Directors  
FROM: Betsy Brown, Air Quality Supervisor  
SUBJECT: March 13, 2017  
DATE: April 28, 2017

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Please find attached a copy of the **MINUTES** from the March 13, 2017 Board Meeting. The next meeting of the WNCRAQA Board is scheduled **Monday, May 8, 2017**, 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, March 13, 2017, at the Buncombe County Planning and Development Board Room, located at 30 Valley Street, Asheville, N.C.

The attendance of the Board members was as follows:

Members Present:

*Britt Lovin*

*Dean Kahl*

*Vonna Cloninger*

Members Absent:

*Joel Storrow*

*Karl Koon*

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

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

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on March 13 2017 at approximately 4:01PM.

The order of business was as follows:

**I. Public Comment Protocol Announcement**

**II. Adjustment and approval of agenda**

Ms. Cloninger made a motion to approve the agenda. Dr. Kahl seconded. Motion passed, 3-0.

**III. Consent Agenda:**

**A. Approval of minutes from January 9, 2017.**

Ms. Cloninger made a motion to approve the minutes. Dr. Kahl seconded. Motion passed, 3-0.

**IV. Director's Report:**

**A. Ambient Monitoring Update**

Ozone season started March 1, 2017, one month earlier than in previous years. All equipment is up and running; Kevin and James have been working on that. James has done a lot, especially with the new technical aspects. We are appreciative. James has converted the old phone line to an internet line at our BAM site. We get data faster. The state is moving to new polling software, which is how the state gets data from the site. We are under their Quality Assurance Plan so we have to run the same equipment. The state gave us the software. The new software has been running concurrently with the old software for a month or so. The game plan is to do away with the data loggers. We will be able to replace them with a computer instead of spending \$10,000 to 12,000 when we need a new data logger.

Ozone Kickoff is Monday, March 20 at Land of Sky at 2:00PM. Ashley Featherstone will send out an updated agenda later in the week.

The SO2 monitor on Brown Mountain is up and running. Soon we will be able to get live data, but we are not sure when. The data is going to AQS, the EPA data system where all the required data must go, and it appears that it is being reported correctly. DAQ is working with Duke on that. In addition to daily reports, we are getting two week reports. We can also access year to date information. Julie Mayfield could not be here, but inquired about this data and Ashley Featherstone sent her some of this information. DAQ audited this site about three

weeks ago. DAQ has new software which does not work well with the webpage, and they are working to address this issue.

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

The EPA has acknowledged that they received the request. The next step is that the EPA has to write up an MOA for the delegation. We hope to receive delegation in a few weeks. This is not anything that we have done before, so we are not sure what to expect. The state did not submit a SIP so currently there is only a federally enforceable rule here. Agency staff is assisting MSD to make sure that the facility knows what is required. They are a regulated source, just that particular rule is federally enforceable only. MSD is having to send the required reports pertaining to the incinerator rule to the EPA.

**C. FY 2018 Budget Discussion**

The WNCRAQA portion of the County Budget was reviewed. The Board will vote on this on May 8. Salaries are going up. The three retirement benefit payments will drop off later this year. We will start seeing the savings on that side. We are still carrying one unfilled position in the budget that we are not going to be able to fill now. We are not adding or subtracting much right now from the budget. Dr. Kahl asked how much was left in the 105 fund balance. It is around \$500,000, give or take, depending on when we are pulling in permit fees. We are saving some by not having HOA dues, and the heating and air costs at the condo.

The President’s budget calls for cutting STAG funds 30%; however, the President’s budget is not usually the one that is ultimately passed. Hopefully we will need to draw down very little out of general fund this year. We will lose about \$60,000 to \$70,000 in funds when Duke goes to natural gas. Duke’s invoice was about \$125,000 two years ago. It was about \$110,000 this past year. Dr. Kahl asked how responsible the Board is if money is inappropriately taken from the budget. Our budget is also posted with the County budget, so it gets voted on twice.

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

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Morris Funeral Home	Crematory	Small	Merrimon Avenue, Asheville	Condition related to NC Air Toxics rules will be updated per revised rules.

Ms. Cloninger made a motion to approve the permit. Dr. Kahl seconded. Motion passed, 3-0.

**E. New Facility Operating Permits**

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Black Rock Crushing, LLC	Portable Concrete, Stone, and Recycled Asphalt Pavement Crusher	Small	Three APAC Atlantic sites and various other sites with local zoning authority approval	Crusher, Screen, Conveyor Belts, Generator
Cedar Peaks Enterprises, Inc.	Asphalt Manufacturing Facility	Synthetic Minor	Asheville Regional Airport, Fletcher	Portable Asphalt Plant

Black Rock, LLC had a permit before but allowed it to expire. Dr. Kahl made a motion to approve the permit. Ms. Cloninger seconded. Motion passed, 3-0.

Cedar Peaks requested an expedited permit. They will have to move offsite after they finish job. They have the paving contract for Asheville Airport. The site is on the northeast corner of airport property on the border with Henderson County. Dr. Kahl made a motion to approve the permit. Ms. Cloninger seconded. Motion passed, 3-0

## **V. New Business:**

### **A. Regulatory Update- Ashley Featherstone**

There are three items. Two are amendments and one is a repeal. Two are mandated by the legislature:

One is the removal of the volatile organic compounds work practice requirements from the rules. These include keeping lids on cans and drums when not in use, proper disposal of solvent soaked rags and others. It was identified by DAQ staff as a rule on the books that is not mandated by federal or state law. This review was mandated by the state legislature to remove unnecessary rules. This rule is in most of our permits which have VOC sources. The rule was mainly for areas of nonattainment. Now it only applies to Charlotte as an ozone maintenance area. Charlotte was non-attainment: it is now designated a maintenance area and will retain the VOC work practice requirements in their rules. The Department of Labor requires the work practices and the practices help save money so we expect these practices to continue. These VOC requirements will no longer be in our permits. We are amending the rule to say these requirements no longer apply in our area.

The second is that the NC General Assembly has also required that the heavy duty vehicle idling restrictions need to be taken off the books. The rule said that big diesel vehicles cannot idle for more than five minutes. There were some exceptions such as for emergency vehicles. This has been repealed from the DAQ's code. Repeal has been mandated for this rule.

The third change is mandated by the EPA. This is to delete a startup, shut down and malfunction (SSM) clause. Many states including NC have allowed certain excess emissions during SSMs. As Sierra Club argued successfully in a lawsuit, the Clean Air Act does not allow states and permitting authorities to allow excess emissions during these types of events. The EPA is mandating that states remove these provisions from their rules. The state of NC amended the rule to remove the provisions, but did not make it effective until 2018, because there is another related lawsuit pending. The state has adopted rules to cover either scenario, depending on the outcome of the lawsuit. The Agency determined that we should go ahead and adopt this change as it has been mandated by the EPA. It will not be effective until 2018, and is dependent on the outcome of the lawsuit.

Ms. Cloninger made to motion to adopt the regulations as submitted. Dr. Kahl seconded. Motion passed, 3-0.

### **B. Legal Counsel Report**

Mr. Frue commented on the earlier discussion of WNCRAQA employees. They are subject to the Buncombe County Personnel Ordinance. Financial misconduct would be caught in the system. There are many checks and balances in place. All WNCRAQA financial matters go through the Buncombe County system. The County gets audited. Once we have approval for our budget, it is audited by the finance office.

## **VI. Other Business:**

### **A. Advisory Committee Report – Dean Kahl and Ashley Featherstone**

We have received three applications for the Clean Air Compliance Award. Those nominated include the Asheville Housing Authority, the Asheville Energy Innovation Task Force, and Asheville Area Cremation Services. The advisory committee and staff review the applications and make a recommendation. The Advisory Committee and staff came up with extensive by laws in recent years which really helps with the review. Mr. Brigman also reviews the nominations and then the recommendations are brought before the Board.

**B. Calendar**

The next scheduled meeting is May 8, 2017 at 4PM.

**C. Announcements**

None

**VII. Public Comment**

None

**VIII. Adjournment**

Ms. Cloninger made a motion to adjourn. Dr. Kahl seconded. Motion passed, 3-0.  
The meeting was adjourned at approximately 4:40 PM

N/Minutes/Minutes 2017/Minutes March 13, 2017