

MEMORANDUM

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

FROM: Ashley Featherstone, Director

RE: Minutes for March 9, 2020

DATE: May 11, 2020

Enclosed, please find the Minutes for the **Monday, March 9, 2020** Board meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, May 18, 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 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.

The Western North Carolina Regional Air Quality Agency Board of Directors met on Monday, March 9, 2020, in the meeting room at the Buncombe County Permit Office located at 30 Valley Street, Asheville, N.C.

The attendance of the Board members was as follows:

Members Present:

*Britt Lovin
Karl Koon
Dean Kahl (by phone)
Vonna Cloninger
Joel Storrow*

Members Absent:

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

Others Present: *Michael Frue, Attorney; Sybil Tate, Assistant County Manager; Mary Lunsford, HR; Daniel Walton, Mountain Express*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on March 9, 2020 at 3:01 pm.

The order of business was as follows:

I. Public Comment Protocol Announcement

Mr. Lovin read the public comment protocol announcement.

II. Adjustment and approval of agenda

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

III. Executive Session

Mr. Koon made the motion per N.C. General Statute 143-318.11(a)(6) that the Board go into Closed Session to discuss a personnel issue. Mr. Storrow seconded the motion. The motion passed 5-0. The Board went into closed session at 3:03pm. Minutes for the closed session were provided by Michael Frue.

Members Present: Britt Lovin, Vonna Cloninger, Karl Koon, and Joel Storrow. Dean Kahl attended by phone

Others present: Sybil Tate, Mary Lunsford and Michael Frue

The Board Chair opened the Closed Session at 3:06 pm.

The Board had a discussion of qualifications and the lack of air quality and managerial experience among the applicants. There appeared to be one well-qualified candidate. A second candidate had technical skills, but lacked management and air quality experience.

There was a consensus to offer the position to Ashley Featherstone. The Board had a discussion of various issues and the HR process. Per Mr. Frue's suggestion, the salary

and cost of living adjustment were discussed. Ms. Featherstone was brought into the closed session to ask if she was still interested in the position.

Mr. Koon made a motion to go out of closed session and back into open session. Ms. Cloninger seconded the motion. The motion was approved 5-0. The Chair adjourned the closed session at 4:09.

The Board reconvened regular session at 4:11 pm. Mr. Lovin said that the Board did not vote on anything during the closed session. Mr. Storrow made a motion to offer Ashley J. Featherstone the Director position of the Western North Carolina Regional Air Quality Agency effective March 23, 2020. The motion was seconded by Ms. Cloninger. The motion passed 5-0.

Mr. Lovin asked about whether the timeline for selecting the Director had been posted. The earlier discussion at the previous Board meeting is in the minutes from the January 13th and 27th meetings. The timeline as projected was posted as a part of this Agenda. The special meetings can be cancelled per this meeting.

IV. Consent Agenda:

A. Approval of minutes from January 13 and 27, 2020

Ms. Cloninger made a motion to approve the minutes. Mr. Koon seconded the motion. The motion passed 5-0.

V. Unfinished Business:

A. Recruitment Process for Permanent Air Quality Director Position

The Air Quality Director position was filled earlier in this meeting.

VI. Director's Report:

A. FY 2021 Budget Discussion

The Budget documents were sent to Board members with the Board packet. These included the Budget Ordinance, the Budget Narrative, and a multiyear worksheet which is a spreadsheet with line-by-line items. The Agency always does a line-by-line detail budget. The multiyear workbook has FY19 actuals, projected FY20 and proposed FY21 figures. This can make the budget look like it is going up. Another spreadsheet provided by staff shows the comparison of budgets from year to year so the Board can see how they compare. This is the Operating Budget Comparison.

Differences in the 2021 budget include the full indirect figure and the lower figure for salary and benefits. The indirect costs for 2021 were estimated by increasing the full 2020 allocated costs by 2%. The 2% was suggested by the County as a reasonable estimated increase of costs from year to year. The Board asked questions about the indirect charges and information provided on the cost allocation forms included in the Board packet and provided by Terri Orange at the last Board meeting. Ms. Tate said the methodology of each charge could vary; i.e. IT could be based on the number of computers in a department, payroll- the number of employees, etc. Air Quality is treated just like every other County department. A third party vendor is hired to do this allocation. The County is required to do this. The state mandates it. The numbers are used by Health and Human Services to get funds from the State. Ms. Orange would be the one to explain this to the Board. It can be arranged for her to attend the next Board meeting if the Board wanted further explanation. The current number is roughly 10 to 11 percent of our operating budget. This is close to what other local programs are paying for indirect cost. If Air Quality did not want to go with the full indirect payment, the Agency would be charged each time it used IT and other county services. Staff would have

to track time for using different county services, which would be time consuming for Air Quality staff.

Mr. Lovin expressed questions about the building depreciation charge and other areas in indirect. Ms. Tate said that Ms. Orange could come to the next Board meeting to cover this in detail. There may be additional line item discussion as the Board has concerns about indirect charges in the past that may have been in excess for the services provided.

Ms. Featherstone talked about the Accela program that is used as a data management tool by other county departments including Permits and Inspections. The Agency has been talking with IT off and on since 2012 about Accela being developed for Air Quality. A couple of years ago IT was going to provide Air Quality with licenses for Accela, but then Air Quality did not pay the full cost allocation plan and those plans were cancelled. To add Air Quality to Accela, the Agency would be expected to pay the cost allocation plan for current services and an additional fee for development of an air quality module. As part of the budget planning process, Air Quality requested an estimate from IT for product development and fees with the assumption that Air Quality would pay the full cost allocation plan for IT for FY21. IT can supply the Agency with unutilized licenses for the program that IT is currently funding. Then the Agency would only be paying the yearly usage fee of \$2,770 and \$6,240 for development in addition to the amount paid for IT in indirect. The proposed budget includes the initial costs and developing the complaints module. In the 2021 budget, the additional estimate for Accela is \$9,010. These would be discretionary funds. IT estimates that it would probably take three years to fully develop the module for Air Quality at an approximate cost of \$10,000 per year including the Accela yearly support fee. Air Quality would start slowly, pay as we go. Each year the Agency would consider the costs estimated for the following year. There is a significant one-time fee for licensing of around \$15,000 for the five staff members. The County is offering to waive that since IT is paying for the unutilized licenses, as well as the annual fee of \$2,770. If Air Quality takes advantage of this now, Air Quality would pay that \$2,770. Mike Matthews is already on the system; Permits and Inspections is paying his license and upkeep each year. It is beneficial to them for Mr. Matthews to be on the system. Accela would be used to track information including complaints, permits, and inspections, instead of the current tracking in Access and Excel. It also tracks payments, which would help Finance audit Air Quality payments. Air Quality is the only department that does not take electronic payments. Air Quality has been able to reduce other budgeted items. One was utilities by about \$9,000. That was budgeted to cover the extra costs were the Agency to return to the Mt. Carmel building.

Mr. Storrow asked about the Fund Balance. He noted that the Budgetary Contingency, the fund balance draw, was budgeted in the six figures. However, the actual fund balance draw was much less than that, and in some cases, funds were added to the fund balance. Ms. Featherstone said that was the case, particularly since 2015. The Agency has budgeted for an unfilled position. The amount budgeted for that position with benefits is roughly \$75,000.

The May meeting is when the Board will vote on the FY2021 Budget. Mr. Koon suggested date corrections in the Budget Ordinance.

B. Odor Rule Presentation

Mr. Raiford created the PowerPoint, The WNC Air Quality Odor Rule Overview (separate attachment to the minutes) presented by Ms. Featherstone.

There is a State of North Carolina odor rule that is part of the State Code to address objectionable odors. There are two sections. One that addresses odors from animal operations, and the other, odors from commercial activities or businesses. If the Agency determines that an odor is “objectionable” under this rule, staff can require a company to take measures to address the odor. However, this can only be required if there are financially and technologically feasible methods to reduce the odor. Odors are considered “objectionable” if they “unreasonably interfere with the comfortable use and enjoyment of life or property.”

Ms. Featherstone explained the process of identifying an “objectionable” odor and the steps the Agency follows once that determination is made. Most of the Agency odor complaints have been associated with asphalt plants. There were many complaints a few years ago about Crowell Farms. More recently, there were complaints about a pet crematory.

Odor evaluations are complaint driven. There are many exemptions including paper mills, painting operations such as small paint and body shops, unless they have business permits. State legislature changes prevent municipalities from issuing business permits.

Staff must make their evaluation from the complainant’s property. One of the issues here are inversions. By the time the complainant calls, the inversion is beginning to lift. By the time staff arrive, the odor has dissipated. If the facility has an air quality permit, staff can ask the facility to operate in a way to minimize emissions. In the case of APAC in Black Mountain, the company did not want to add odor control equipment. They moved the facility to another location.

A copy of the power point presentation was emailed to Board and staff members at the end of the presentation.

C. Permitting Update

The Duke permit was discussed during the last meeting. The public comment period had just closed. This is the permit where the facility had requested a plant wide emissions limit. The Agency has been in contact with EPA Region 4 and Region 2 who have had similar comments from Sierra Club. Staff has received additional information and is preparing the response to comments document. When there are comments, the EPA stops their 45-day review process. Staff hopes to get the response submitted in couple of weeks, so that the EPA 45 day review period will be completed by the next Board meeting, May 11. Staff plans for this permit to be considered by the Board at the next meeting.

D. Monitoring Update

Kevin Lance said that for January and February, the Agency had 95% data completeness for the monitors operated by the Agency. In January staff has to recertify equipment. Staff used to have to take the equipment to Athens to recalibrate. Now the Agency is able to do this with the state, and save time and money. Staff installed the equipment in February and everything is up and running for the beginning of ozone season on March 1. Staff anticipates that the Brown Mountain SO2 monitor will be shut down by the end of this month or next. The state is waiting to hear from the EPA about when the SO2 monitor can be shut down. They do have three years of data. They were required to run the monitor for three years. Modeling showed that there could possibly be exceedances. The highest day reading might have been 10% of the SO2 standard. No readings were close to the standard, and were a lot lower than the modeling predicted.

Mr. Raiford was able to participate in the Ambient Monitoring Workshop in Raleigh on February 4 and 5.

The Air Quality Briefing and press conference is scheduled for March 30. Ms. Featherstone said she would send a “save the date” notice with a draft agenda to Board members. It starts at 8:30 AM. Bill Eaker with Land of Sky asked Ms. Featherstone to invite Ms. Tate and Jeremiah LeRoy, the Sustainability Officer for the County. This will include updates from the State Division of Air Quality, the Agency, Duke Energy and the Blue Sky Initiative.

E. Air Quality and Environmental Control Update

After conversations with the Director of Solid Waste and Ms. Tate, the supervision of the Environmental Enforcement Specialist position has been moved from the Director of Air Quality to the Director of Solid Waste. Kim Spillars holds this position, taking Roger Presley’s place in that role since September. The position is, and has been, funded by Solid Waste. Before that, it was funded by Planning. With Waste Pro issues, Kim Spillars has been spending her time on those problems. Her office is still in Air Quality; however, the County has found a space for Ms. Spillars in the permitting building. Agency staff is still working collaboratively with her on open burning complaints.

F. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Mill Tek Toll Grinders, LLC	Mineral Product Grinding Facility	Small	Spiral Road, Arden	Drill Green, LLC. Name and ownership change.
Southern Concrete Weaverville	Ready-mix Concrete Facility	Small	Ollie Weaver Road, Weaverville	Replace silo baghouses and scale baghouse.

Mr. Koon made the motion to approve the permit changes for Mill Tek Toll Grinders and Southern Concrete-Weaverville. Ms. Cloninger seconded the motion. The motion passed 4-0. (Dr. Kahl dropped off call.)

G. New Facility Operating Permit

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
GE Aviation Asheville	Ceramic Matrix Composite Aircraft Engine Parts Manufacturing Facility	Small	Sweeten Creek Road, Asheville	Ceramic matrix composite (CMC) production, spray-painting booth and miscellaneous material use.

Mr. Storrow made the motion to approve the permit for GE Aviation. Mr. Koon seconded the motion. The motion passed 4-0.

VII. New Business:

A. Legal Counsel Report

Mr. Frue had nothing to report.

VIII. Other Business:

A. Advisory Committee Status

The group has not met. It was decided to put off meeting until the Agency filled the Director position.

B. Calendar

1. Special Meetings (Director Recruitment):

**Monday March 16, 2020: 10:00 to 12:00 pm Telephone/Skype interviews
(200 College Street)**

Monday March 23, 2020: 1:00 to 4:00 pm onsite interviews

Mr. Koon made the motion to cancel special meetings as the Director position had been filled. Ms. Cloninger seconded the motion. The next meeting will be the regularly scheduled meeting. The motion passed 4-0.

2. Next Scheduled meeting is May 11, 2020 at 4 pm

Mr. Lovin asked Ms. Tate to let us know if there was a conflict for Terri Orange at that time, in case the Board needed to reschedule the meeting to work with her schedule. Ms. Tate said that Ms. Orange would like questions in advance in case she needs to look up the information, such as the methodology of the indirect charges.

C. Announcements

Ms. Featherstone stated that it was an honor to be Director, and to have been Interim Director. She said staff has been supportive, and she appreciated the Board's confidence.

IX. Public Comment

No public comment.

X. Adjournment

Mr. Koon moved to adjourn the meeting. Mr. Storrow seconded the motion. The motion passed 4-0. The meeting was adjourned at 5:06 pm.