

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

FROM: Juanita Shanley, Administrative Secretary

SUBJECT: Special Meeting

DATE: June 24, 2010

Please find attached a copy of the **APPROVED MINUTES** from the June 24, 2010 Special Board Meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, July 12, 2010** 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 Thursday, June 24, 2010, at the Buncombe County Commission Chambers, located at 30 Valley Street, Asheville, NC.

The attendance of the Board members was as follows:

Members Present:

Britt Lovin

Loyd Kirk

Karl Koon

Dean Kahl – via conference phone

Vonna Cloninger

Members Absent:

Staff Present: *David Brigman, Director; Juanita Shanley, Administrative Secretary; Ashley Featherstone, Engineering Supervisor; James Raiford, Engineer; Vic Fahrner, Engineer.*

Media Present: *WLOS TV; Asheville-Citizen Times*

Others Present: *Katherine Fisher, Attorney; various members of the public*

Mr. Lovin thanked everyone for attending the meeting. He also thanked the staff for all the time spent reviewing the comments and materials and putting together the information for tonight's meeting. The only order of business at this special Board meeting is to vote on the permit for the Blue Ridge Concrete Plant. The next regular Board meeting will be held on July 12, 2010 at the Agency Boardroom.

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on June 24, 2010, at approximately 5:05 p.m.

Due to significant public interest regarding the proposed facility, the Director chose to hold a public comment period and a hearing on the proposed permit. WNCRAQA Air Quality Code 17.0312 requires us to complete the review of the record and take final action within 30 days after the close of the public comment period. Our public comment period began April 25, 2010 and continued through June 2, 2010, with the public hearing being held on May 26, 2010.

Mr. Lovin presided over the May 26th public hearing (as Hearing Officer) and thanked everyone for their attendance and comments. He informed the public that the Agency had received over 100 comments both at the hearing and through emails and mail. All of these comments were reviewed and addressed by staff and all of this material is available on our website. All Board members also received a copy of the public hearing video.

Before starting the discussion, Mr. Lovin informed the public that Dr. Dean Kahl was unable to attend the meeting, but had joined the meeting by phone. He then reminded the Board and public that as an Air Quality Agency, we can rule only on air quality issues, but not on issues such as zoning, road conditions, water, etc. While, the Agency and Board understand the public concern on these various issues, the Agency continues to permit sources and conduct inspections on these sources. He also informed the

public that the Agency has always responded to all complaints on these sources and will continue to do so.

Mr. Lovin then read the recommendation of the Hearing Officer and the recommendations of the staff. Based on review of all materials presented, the staff determined that the proposed facility could meet the requirements of the WNCRAQA Code and therefore recommended that the Board issue the permit to construct and operate with three revisions: 1) *“The description of the equipment on the cover page of the draft permit should be revised to list the manufacturer’s maximum rated capacity figure.”* 2) *“A condition should be added to address the concrete batch plant exclusionary rule and associated requirement to maintain monthly production records and limit production below 1,210,000 cubic yards per year. (This limit will be superseded by the more restrictive limit of 33,000 cubic yards per year that is currently in the draft permit to address the NC Air Toxics requirements, but should be included since it is applicable.)”* 3) *“A requirement to submit a fugitive dust control plan prior to operation should be added to the permit.”* As Hearing Officer, Mr. Lovin also recommended that the permit be issued based on all information reviewed and the staff’s determination that the facility can meet the requirements of the WNCRAQA Code.

After Mr. Lovin finished reading the recommendations, Mr. Koon made a motion that the Board approve the permit, including the revisions, based upon the report of the Hearing Officer and the recommendations of the staff. Mr. Kirk seconded the motion and Mr. Lovin asked for comments.

Ms. Cloninger stated she did not feel this Board should have to make the final decision on this plant. She had read all the material presented by the citizens committee (NBACC) and watched the video of the public hearing and felt very strongly that this type of facility should not be located in a residential area. She stated she could not morally and ethically vote to approve this permit.

While Mr. Kirk did not disagree with Ms. Cloninger regarding the location of the facility and he empathized with the citizens in the area, he felt the charge of the Agency was to make a decision on air quality issues only and the collective judgments of the staff was that this facility meets all the requirements of the air quality code. He also stated that he felt this Board had been placed in the position where they were “between a rock and a hard place.”

Mr. Lovin asked if Dr. Kahl had any comments. Dr. Kahl stated he felt this was a very difficult decision and he was concerned about the people who live beside the plant.

Mr. Koon felt it was unfortunate that this issue has made it to the Air Board as its final stop and as much as he would like to vote by his emotions, he felt he has to vote by what the rules that the Agency operate under dictate.

Ms. Cloninger again stated she could not vote for a plant that is in a neighborhood.

With no further comments, Mr. Koon called for a vote. Mr. Koon, Mr. Kirk and Mr. Lovin voted to approve the permit. Ms. Cloninger and Dr. Kahl voted against. The motion passed 3-2.

With no further business, Mr. Koon moved that the meeting be adjourned at approximately 5:20 p.m. and Ms. Cloninger seconded the motion. The motion passed 4-0.