

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

FROM: Juanita Shanley, Accounting Technician III

SUBJECT: July 14, 2014

DATE: August 14, 2014

Please find attached a copy of the **MINUTES** from the July 14, 2014 Board Meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, September 8, 2014**, 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, July 14, 2014, 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

Loyd Kirk

Vonna Cloninger

Members Absent:

Dean Kahl

Staff Present: *David Brigman, Director; Vic Fahrer, AQ Supervisor; Kevin Lance, AQ Field Services Program Manager; Arnie Lingle, AQ Specialist; Ashley Featherstone, AQ Permitting Program Manager; Betsy Brown, AQ Specialist; Juanita Shanley, Accounting Technician III*

Media Present:

Others Present: *Curt Euler, Attorney; Mike Plemmons, CIBO; Keith Bamberger, NCDAQ; Matthew Parsons, Alliance AutoGas; Tom Cheatham, Alliance AutoGas; Janet Oppenheimer, Alliance AutoGas, Chris Dobbins, Land of Sky Regional Council of Governments*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on July 14, 2014, 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.

SPECIAL PRESENTATIONS

Clean Air Excellence Awards: Since 2004, the Agency has given awards to recognize local industry and businesses for implementing measures that are above and beyond the air quality regulations.

The Agency's Advisory Committee has been very instrumental in updating the guidelines for the award process. Ms. Featherstone stated the award is being presented to Alliance AutoGas, America's only complete program to transition fleets to clean burning propane autogas. They provide vehicle technology, EPA certified conversions, refueling infrastructure and all the training needed to get the fleets running on autogas. They are also building a new research and technology center that will be open in the fall. Mr. Tom Cheatham and Mr. Matthew Parsons accepted the award from Mr. Lovin.

II. APPROVAL OF AGENDA:

There were no changes to the Agenda and Mr. Koon made a motion for approval. Ms. Cloninger seconded the motion. It was approved 4-0.

III. CONSENT AGENDA:

Approval of minutes from the May 12, 2014 Board Meeting: There were no changes to the minutes and Ms. Cloninger made a motion for approval. Mr. Koon seconded the motion and it was approved 4-0.

IV. DIRECTOR'S REPORT:

- A. **Sulfur Dioxide Standard:** Ms. Featherstone updated the Board on several items. EPA issued a more restrictive standard in 2010 for sulfur dioxide, but did not make designations for attainment and non-attainment within the time limits set by the Clean Air Act. The Sierra Club has sued EPA to force them to make the designations sooner than EPA is proposing. A settlement agreement has been reached. EPA will designate areas under the schedule in their proposed Sulfur Dioxide Data Requirements Rule from 2017 to 2020. An earlier round of designations will be made within sixteen months of the court's entry of the consent decree. This earlier round of designations does not appear to affect us.
- B. **Ozone Standard Update:** The EPA's Science Advisory Board has recommended that the Agency lower the ozone standard to a level between 60 and 70 parts per billion (ppb), but no higher than 65 ppb. Our current design value is 64 ppb.
- C. **Proposals in NC General Assembly:** The open burning rules been modified significantly. There is a proposal under consideration that would allow burning of stumps and logs, which is currently not allowed under the nuisance provisions. They are also looking at taking part of the gas tax money which could reduce our portion by about \$15,000. There is also a proposal under consideration to remove all monitors not federally mandated. This proposal may not pass, but EPA is also considering reducing funding for the 103 grant program, which could affect our monitoring program.
- D. **Recent Agency Compliance Assistance Efforts with Small Businesses:** There have been recent EPA rule changes that affect small businesses such as churches, service stations, and auto body shops. We have been working with them to make them aware of these changes and assisting with compliance. The most recent rule that we have been working on has to do with

new requirements for boilers. Companies that are subject to that rule have to report certain data electronically, which we have been assisting them with.

- E. Supreme Court Ruling on Greenhouse Gases:** The Supreme Court has ruled on EPA’s regulation of greenhouse gases from stationary sources. The court has determined that greenhouse gas emissions alone cannot trigger a source into the Title V permitting program, but sources under review for PSD regulations do have to account for greenhouse gas emissions in those determinations.

F. Facility Operating Permits (Renewals)

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Amcor Flexibles, Inc.	Manufacturer of flexible packaging products	Title V	Sweeten Creek Road, Arden	Updates to permit condition addressing MACT standard will be made based on rule revisions, updates will be made to insignificant activity list. Additional clarifying details regarding PSD applicability will be added to that condition in the permit.

Mr. Lovin informed the Board that these have all been recommended by staff. There were no questions regarding the permit renewal and Ms. Cloninger made a motion to approve the permit. Mr. Koon seconded the motion and it was approved 4-0.

G. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Buncombe County Detention Center	Correctional Facility	Synthetic Minor	11 Valley Street, Asheville	Change of status to emergency engines will result in reclassification of facility from Synthetic Minor to Small Source. Relevant conditions will be updated.
Milkco, Inc.	Fluid Milk, Juice and Water Processing, Packaging & Distribution Facility	Small	220 Deaverview Rd., Asheville	Change of status of emergency engine will result in reclassification of facility from Small to Synthetic Minor Source. Facility is required to install a control device to comply with GACT standard for internal combustion engines. NC Air Toxics analysis will be updated.

There were no questions regarding the modifications and Mr. Koon made a motion to approve the permits. Mr. Kirk seconded the motion and it was approved 4-0.

H. New Facilities

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Tennoca Construction Company	Portable Concrete, Stone, and Recycled Asphalt Pavement Crusher	Small	Various sites with local zoning authority approval	Crusher, screen, conveyor belts, generator, separate screening unit

Tennoca was operating a portable crusher at the New Belgium site and was unaware that they needed a permit. They gave us all the information we needed and we issued an expedited permit to allow them as little downtime as possible. There is another company, A1 Sandrock Inc. that has requested an expedited permit to crush rock at the APAC facilities. The expedited permit should be ready this week and the regular permit will be on the agenda for approval at the September meeting. There were no questions regarding the permit and Ms. Cloninger made a motion for approval. Mr. Koon seconded the motion and it was approved 4-0.

VI. NEW BUSINESS:

- A. Proposal of Regulatory Changes:** Ms. Featherstone explained the changes to the NC Air Toxics rules. This rule provides exemption from North Carolina toxics rules for certain sources that are subject to federal MACT or GACT standards. However, the permitting authority is required to make sure that exempting these sources does not lead to an unacceptable risk to public health. The second part of the session law was directing DAQ to reduce unnecessary regulatory burden and as such, the state has implemented six measures to modify the toxics rules.
- B. Legal Council Report – Mr. Euler:** Mr. Euler informed the Board that the 4th Circuit Court of Appeals will hear oral arguments on the Pitrolo lawsuit in September.

VII. OTHER BUSINESS:

- A. Advisory Committee Report – Deal Kahl:** There was nothing to report since no meetings were held in the last two months.
- B. Calendar:**
 - 1. **There will be a Special Meeting to discuss Duke Energy Progress on August 4th at 4:00 p.m.**
 - 2. **The next regular meeting for the Board will be Monday, September 8, 2014 at 4:00 p.m.**
- C. Announcements:** There will be a presentation of a certificate of appreciation to the Fire Chief from the Reems Creek Fire Department at the next meeting since he could not attend today’s meeting.

VIII. PUBLIC COMMENT:

None

VIII. EXECUTIVE SESSION:

Mr. Koon made a motion that the Board go into executive session pursuant to NC General Statute § 143-13-318.11 (a.6) to consider conditions of employment of an employee. Mr. Kirk seconded the motion and the Board went into executive session at 4:50 p.m.

At approximately 5:45 p.m., the Board reconvened into open session. Mr. Lovin announced that Mr. Brigman will be working at the Landfill as Director in addition to being the Air Quality Director. An amendment will be made to his contract which will be taken up at a later date.

XI. ADJOURNMENT:

With no further business, Mr. Kirk moved that the meeting be adjourned at approximately 5:47 p.m. and Mr. Koon seconded the motion. The motion passed 4-0.