

TO: Western North Carolina Regional Air Quality Agency Board of Directors
FROM: Betsy Brown, Air Quality Supervisor
SUBJECT: November 13, 2017
DATE: December 29, 2017

Please find attached a copy of the **MINUTES** from the November 13, 2017 Board Meeting. The next meeting of the WNCRAQA Board is scheduled **Monday, January 8, 2018**, 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, November 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

Karl Koon

Joel Storrow

Vonna Cloninger

Members Absent:

Dean Kahl

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

Others Present:

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

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. Adjustment and approval of agenda

There is an adjustment to the minutes. Item VIII will be Executive Session and item IX will be Adjournment. Ms. Cloninger made a motion to approve the agenda with adjustment. Mr. Koon seconded. The motion passed, 4-0.

III. Consent Agenda:

A. Approval of minutes from September 26, 2017.

Mr. Koon made a motion to approve the minutes as written. Mr. Storrow seconded. Motion passed, 4-0.

IV. Director's Report:

A. Ozone Season Update

Kevin Lance said it was one of the best ozone seasons we have had. There were only four ozone action days in the state and those were in the Winston Salem and Charlotte areas. We had very few yellow days. James Raiford and Mr. Lance dealt with new equipment and a longer season. This was the first season that included March. We had high data collection, low ozone numbers, and everything went pretty smoothly. Ms. Cloninger asked about the forecast emails. Those have stopped for the season. If there is

a yellow day or higher an email will still be sent, but this time of the year it would be for PM. The report is for whatever pollutant has the highest concentration. We continue to send out Twitter forecasts and post on Facebook. The daily emails will resume at the beginning of ozone season.

B. Duke Energy Progress Title V Petition Update

Ashley Featherstone said that after our last board meeting we did submit our response to the EPA petition order clarifying our position as to why we did not include a more stringent SO₂ limit in the permit at renewal. We did include a more stringent limit, but not the one Sierra Club requested. We did define our position and supplement the record with our rationale. The EPA told us that they would be sharing that response with the Sierra Club. They would have 30 days to respond. It has been over 30 days and we have not heard anything and do not expect to.

C. Sewage Sludge Incinerator (SSI) Delegation Request Update

At the time of the last board meeting, Ms. Featherstone said that the Agency submitted some comments to EPA that we coordinated with the state agency. We asked for one change to the Memorandum of Agreement that was related to the training requirements. We have not heard back from EPA after those comments were submitted. We do not know how long this might take, but hope to hear back by the end of the year. Until the delegation is complete, the facility still has to submit reports to EPA and to us. The Buncombe County SSI is one of four in the state. The others are in the Winston Salem Region and the Mooresville Region of NC including Greensboro and High Point. We expect the EPA will give delegation to the State and to us at about the same time.

D. WNC Pallet

WNC Pallet makes pallets and is a synthetic minor facility. They appear to have had financial trouble the last couple of years. We put them on a payment plan for the 2016 annual permit fees. They still owe us for part of 2016 and for all of 2017. If they do not pay us, we will need to revoke the permit. Our permits say that their permit is void if they do not pay the annual fee. The facility is permitted for their pallet making, but they perform other exempted activities on site, such as their fire wood splitting operation. This activity does not create the finer particulate matter that the woodworking equipment for the pallet manufacturing produces and which is captured by the cyclone. They have a pallet grinder for which they were permitted in previous years, but that activity is now considered a mobile source by the EPA and the state and is not covered under our rules. The facility is billed based on annual emissions for the calendar year but is billed by anniversary date which is in July for WNC Pallet. Mr. Brigman asked for a week to see if Mr. Orr would pay and settle issues with the Agency before going to the county attorney. Ms. Cloninger moved to contact the board attorney's for collection. Mr. Storrow seconded the motion. Motion passed 4-0.

E. Jacob Holm Complaint

We have had dust complaints related to the Jacob Holm facility. Ms. Featherstone and Mr. Raiford have been investigating and trying to get information from them on the dust collection system. When the facility set up the first process line, they submitted a permitting applicability determination. At that time they did not need a permit and we made them a registered source so we could try to keep track of their emissions over time

to see if they would need a permit. What we have determined is that they went through an expansion in 2014 and added a second line which produced more particulate matter and which exhausts outdoors. They did not notify us. What we have determined from investigating the complaint is that the facility does need a permit. It took us awhile to get the information that we needed. We have informed the facility that they do need to submit a permit application. We will send the facility a letter this week asking for the application within 30 days. The complaint was due to a malfunction, but this malfunction appears to have occurred because they have not maintained the equipment properly. When they have a permit we can require inspections and equipment maintenance in accordance with manufacturer's recommendations as a permit condition to minimize their emissions. They have to properly maintain equipment to comply. This is one thing we check when we do inspections. We have worst case numbers to determine classification; however, the facility wants to provide more accurate numbers to the Agency to determine classification as we may be overestimating the emissions.

F. Facility Operating Permits (Renewals)

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
City of Asheville Water Resources Department- DeBruhl Water Treatment Plant	Drinking Water Treatment Plant	Small	Bee Tree Road, Swannanoa	No changes

Ms. Cloninger made a motion to approve the permit renewal. Mr. Storrow seconded. The motion passed 4-0

G. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Nonwovens of America, Inc.	Textile Manufacturing Facility	Small	Warren Wilson College Road, Swannanoa	Remove piece of equipment
U.S. Department of Veterans Affairs Medical Center	General Medical and Surgical Hospital	Synthetic Minor	Tunnel Road, Asheville	Add a natural gas fired internal combustion engine and language to cover the use of a continuous opacity monitor with a boiler

Mr. Koon moved to approve both permit modifications. Mr. Storrow seconded. The motion passed 4-0.

V. New Business:

A. Proposal of Regulatory Changes

Ms. Featherstone explained that there is one rule amendment that has to do with the federal Prevention of Significant Deterioration Rule. There were some changes in definitions in the federal rule made by the EPA that the state adopted and other parts were not adopted. Clarifications later came out and, as a result, the EPA did not approve the state's rule. NC is having to go back and make some adjustments to make their rule consistent with the federal rule. We are moving to adopt those same changes. We adopt the state rules with minor changes that reflect our code such as the different numbering system.

Mr. Koon moved to adopt the regulatory changes as stated. Ms. Cloninger seconded. The motion passed 4-0.

B. Legal Counsel Report.

No attorney was present.

Mr. Brigman stated that we would need a hearing officer for a hearing. Warren Wilson tore down a building without a permit or asbestos inspection and the Agency issued a notice of violation and civil penalty. Warren Wilson requested a hearing to appeal the civil penalty. The hearing officer will be Mr. Lovin. The time will be set up based on schedules, probably in January.

VI. Other Business:

A. Advisory Committee Report

Dr. Kahl was not in attendance to give the report. The committee has not met recently.

B. Calendar

1. The next regular scheduled meeting is January 9, 2018

2. 2018 Meetings Calendar

A list of proposed 2018 Board meeting dates was included in the packet. Please look at dates and let the Board know at the January meeting if there is a problem with any of the dates. The November meeting is on a Tuesday instead of a Monday due to a holiday.

Mr. Koon asked about the Volkswagen (VW) settlement and how it works and if there was any chance that the agency could receive funds. It looks like DEQ will be handling the funds for NC but we have not received confirmation of this yet. Ashley Featherstone is on a committee that determines how similar funds are appropriated by NC. The VW funds can only be distributed on a state level. We as a regional agency, the county, or the city can participate and apply to the state for a grant from these funds. Ms. Featherstone said that we are reluctant to apply for a new project with limited staffing. It takes a lot of time to apply, administer, and carry out a grant funded project. School buses older than 2007 do not have the latest pollution controls. Ms. Cloninger asked if charter school buses had been retrofitted. It depends on where the school got the bus. They are buying older buses so some may have been retrofitted with diesel oxidation catalysts (DOCs), especially if they came from Buncombe County. Older school buses may stay on the road for 20 years. Many of the older buses in the area have been retrofitted with DOCs.

C. Announcements

VII. Public Comment

None

VIII. Executive Session

Mr. Koon made a motion to go into Executive Session and referenced N.C. General Statute 143-318.11(a)(6) which covers closed sessions dealing with employee issues. Ms. Cloninger seconded. The motion passed 4-0. The Board went to Executive Session to discuss a personnel issue at approximately 4:32 pm.

Mr. Lovin brought remaining staff back in and ended the executive session at 5:07 pm. Mr. Koon made a motion for the Board to allow David Brigman to move into Environmental Services Director position with the county with a couple of stipulations: that the Air Agency is his number one priority, that money provided by these other agencies will save the Agency money and that the Board reserves the right to pull Mr. Brigman out of this position back into the Air Agency Director position at any time. Mr. Lovin said that he would get with the county attorney to see if we need to amend any agreement that we have on file. This change in Mr. Brigman's status does not affect his contact with the Board or affect any other positions within the Agency. The Environment Services Director position would be over Soil and Water, Air Quality, and the landfill. The appropriate amount of Mr. Brigman's salary would come from other sources other than the Air Agency. Mr. Storrow seconded the motion. The vote passed 3-1 with Ms. Cloninger casting the negative vote.

IX. Adjournment

Mr. Koon made a motion to adjourn. Mr. Storrow seconded. The motion passed, 4-0. The meeting adjourned at 5:13 pm.

N/Minutes/Minutes 2017/Minutes November 13, 2017