

MEMORANDUM

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

FROM: Ashley Featherstone, Director

RE: Minutes for July 12, 2021

DATE: September 20, 2021

Enclosed, please find the Minutes for the **Monday, July 12, 2021** WNCRAQA board meeting. The next meeting of the WNCRAQA Board is scheduled for **Monday, September 27, 2021 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 Zoom Webinar. The public may listen to the meeting as it occurs at the following link: <https://bit.ly/2UeGk18>. 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 5:00 pm 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 via Zoom Webinar and phone on Monday, July 12, 2021 as authorized by Session Law 2020-3 and GS §166A-19.24 due to COVID-19.

The attendance of the Board members was conducted by roll call and was as follows:

Members Present:

Karl Koon

Vonna Cloninger

Joel Storrow (late – trying to connect via phone)

Evan Couzo

Garry Whisnant

Members Absent:

None

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

Others Present: *Michael Frue, County Attorney*

Mr. Koon called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on July 12, 2021 at 4:00 pm.

The order of business was as follows:

I. Public Comment Protocol Announcement

Mr. Koon read the announcement:

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.

Public comment on agenda items is taken via electronic means only and must have been received by 5:00pm Sunday before the Board Meeting by email or voice message. Comments should be limited to air quality or specific topics relevant to the Board. No comments have been received.

II. Adjustment and approval of agenda

Ms. Cloninger moved to approve the agenda as written. Mr. Whisnant seconded the motion.

Voting was conducted by roll call.

Mr. Whisnant-yes

Ms. Cloninger-yes

Dr. Couzo-yes

Mr. Storrow-(not on call)

Mr. Koon-yes

The motion passed 4-0.

III. Consent Agenda:

A. Approval of minutes from May 10, 2021

Ms. Cloninger moved to approve the minutes as written. Mr. Whisnant seconded the motion.

Voting was conducted by roll call.

Mr. Whisnant - yes

Ms. Cloninger-yes

Dr. Couzo-yes

Mr. Storrow- (not on call)
Mr. Koon-yes
The motion passed 4-0.

IV. Unfinished Business:

A. Permit Fee Study

Ms. Featherstone stated that the Board packet included a Permit Fee Comparison table on page 11. This shows the current fee income and the income with the proposed fees. This shows a net increase of about \$81,600. We are not expecting the Title V fees to go up, however, as this table does not reflect the lost revenue from Duke converting from coal to natural gas. Under the proposed fees, the table shows \$233,453, but we project Duke's invoice to go down around \$85,000 which would leave about \$150,000. There would be an additional \$55,000 in Title V fees with the additional complex source fees and the increased base fees. The increases, plus bringing in the Buncombe County Landfill with fees of around \$17,800, we would expect the Title V fees to be roughly revenue neutral. With the proposed increases to the fees, the Agency is still looking at a shortfall of at least \$50,000 overall. In the current budget we have predicted around a \$150,000 fund balance draw. With these changes, we think this will be closer to \$50,000.

One other possibility for increased income would be the President's budget. It calls for more 105 grant funds. This is the EPA grant that has been frozen at around \$200,000. Our portion of those monies, should they be approved, could be \$70,000 to \$80,000 or more. We do not know what will happen with the federal budget. Congress has not passed a budget, and we are not counting on those funds. These are conservative revenue projections. We do not budget for permit application fees for modifications because we do not know if there will be any. However, these amounts can be significant. A Title V permit modification is \$9,000 and the proposed fee is \$10,000. Last year we may have had three, which would have been close to \$30,000. Therefore, revenue could be somewhat higher.

When the Board gives the Agency direction to move forward with the proposed fee increases, there will be a 30-day public comment period. We will send letters to the 70 permitted industries, nearly 150 gas stations, and the contractors to whom we issue the majority of the renovation and demolition permits. We will post a notice on our website and send the notice to our mailing list. This will start the 30-day comment period. If we move forward after this Board meeting, the 30-day public notice could run late July through late August, and the fees could be adopted by the Board in September. The fees would then be effective after the September Board meeting.

Mr. Whisnant made a motion to approve the proposed fee increases. Ms. Cloninger seconded the motion.
Voting was conducted by roll call.

Mr. Whisnant-yes
Ms. Cloninger-yes
Dr. Couzo-yes
Mr. Storrow-yes (now participating by phone)
Mr. Koon-yes
The motion passed 5-0.

Mr. Storrow added that this is a move in the right direction. The increases are reasonable. Even though there would still be a shortfall, after a year or so there may

be an opportunity to get some minor financial support from the County and the City.

B. Renaming of Agency

During previous meetings, Board members have expressed that they would like the Agency name to better reflect who we serve. Years ago, the Agency represented a region, now it is just the County and the City. “WNC” and “Regional” in our title do not reflect who we are. Asheville-Buncombe Air Quality Agency (ABAQA) seems to be the most appropriate name. If the Board comes to a consensus on the name, then we would need to see what we would need to do moving forward with assistance from Mr. Frue.

Mecklenburg and Forsyth local programs are true county agencies with the County Commissioners as their governing Board. We are set up as multi-jurisdictional, a true regional agency.

A name such as Asheville Buncombe Air Quality Agency would help prevent confusion. Asheville Buncombe is used by several entities in the area.

Mr. Frue noted that a name change would require a change in the interlocal agreement. At that time, we could make any other changes to the interlocal that we might need. The last change to the interlocal agreement was in January of 2007. Changing the name in the bylaws is easy. It is a matter of the Board agreeing and then changing any reference to WNC Regional Air Quality Agency to the new name. That is, unless the Board wants to make other changes to the bylaws.

Mr. Koon noted that the Board might want to consider the possibility of a bylaw change to allow virtual meetings. Mr. Frue noted that the current executive order expires after July 30. Once, and if, all the executive orders expire or the order is rescinded, then the legislation and authority for remote meeting disappears. This absolutely applies to the County Commissioners and municipal councils. Mr. Frue would have to research to see if that covers this joint commission. It may. As the Agency is a “subcommittee” of the City Council and the Buncombe County Commissioners, virtual meetings might be prohibited. He suggested that the Board wait a few months to see if the legislature does anything. There has been quite a bit of discussion by other local governments wanting the ability to conduct remote meetings. This is discussed in a recent school of government article. For this to happen there would have to be legislative changes.

If the Agency only wanted to change the name, that name could be voted on now. However, if other changes are to be proposed to the interlocal agreement, the Agency and Board might want to consider those first. Those changes could be discussed with the City and County managers. To rename the Agency and change the interlocal agreement would require a resolution from each Board. Mr. Frue suggested looking at the interlocal agreement to see if any other changes are needed. The Board will table the name change vote, do research and revisit next meeting.

When the interlocal agreement was opened in 2007 the name of the Agency was changed, the provision concerning how the Air Quality Director is hired was changed from following state ethics code to following the Buncombe County Personnel Policy, and a change was made regarding the Clean Air Community Trust which had to do with funding sources. Currently there are two out of date items in the interlocal agreement. These are that we are using office space at 49 Mt Carmel Road, and the services we are paying the county for in indirect. The

agreement states we will pay for personnel and financial services which is only a portion of the indirect rate we currently have agreed to pay the county. The indirect rate includes, in addition to the current services in the agreement, budget, general services, IT, governing body, building depreciation, and a few others. Ms. Featherstone and staff will research that along with Mr. Storrow, and report back at the next meeting. The Board will move forward with the idea that the name will be changed.

C. Rebranding and Agency Logo

On page 27 of the board packet there is a second version of the logo based on the Board's previous comments. On the next page, there is the originally proposed logo, and an option that incorporates the changes requested. The Board was asked to look at the drawing. Cataldo Perrone, the designer, said that a name change would not cause a big effect on the overall logo. The Board decided to wait until the Agency changed its name to decide on the logo. We will keep this item under unfinished business.

D. Advisory Committee Status

Mr. Storrow said the Advisory Committee has been a topic of discussion. He, along with Dr. Couzo and Ms. Featherstone, met with the remaining two long time members, Ned Guttman and Keith Bamberger. They said they would be glad to stay on. Dr. Couzo has volunteered to be the liaison from the Board and will chair the Advisory Committee. Dr. Couzo said we are trying to get the committee back together. The challenge will be in finding useful and purposeful things for the committee to do. We also need to find additional committee members with different perspectives in order to make it a viable committee.

V. Director's Report:

A. Buncombe County Building Study and Office Relocation

The Agency is moving our main office to 30 Valley Street in August. We are in the in process of working out details of where we will be at 30 Valley Street. This is part of the teleworking policy which will be finalized this month, and that will replace the emergency telework policy. This policy is freeing up space that we will be occupying. Currently Mike Matthews has his office at that location. The conference room we use for our Board meetings is in this building. Health and Human Services (HHS) Food & Lodging and Onsite Environmental Health (EH) programs are there now. Food & Lodging are going to continue teleworking as they have during the pandemic; they will be allocated fewer office spaces, from 14 to 7 cubicles. The goal is to reduce the number of office spaces needed. If you telecommute you are expected to share space when you are in the office, either an office or cubicle. This will be a cost saving measure for the County.

The County has offered 4 cubicles for Air Quality staff and an office for the Director in the hall where Environmental Health is located. We do not know where are we going to put the rest of our administrative supplies and files. Tuesday, July 15, Ms. Featherstone, Mr. James Raiford and a member of IT are meeting with Mike Mace, who is over General Services, and Jessica Silver, Program Manager of EH, to look over the space. We may have to store some of our files at the space we still have at the Register of Deeds. Our lab is still there.

We were planning to replace our multi-function copier/printer, MFD. We will be able to use the EH MFD that is currently in that space. This will save us \$4,000 to \$5,000 in our current budget.

We will be packing the next three weeks. The County will move our office, but we have to pack and unpack everything. We will be ready to move by the beginning of August. The ID Bureau is moving in to 52 Coxe mid-August.

B. Monitoring Update

Mr. Lance stated that we are in the third quarter of the monitoring year. We have had a good air quality season so far. Our data completeness is still well above 90% for both ozone and PM2.5. So far, we have had no “Code Orange” or unhealthy days. There have been eleven “Yellow “or moderate days, and the rest have been “Green.”

One interesting phenomenon that we experience every year, whenever there is a fireworks display, we notice an increase on our PM2.5 monitor. We did not have an exceedance, but we did measure a one-hour total of 50 micrograms per cubic meter which is pretty high. One area in the state did exceed the standard due to the fireworks.

C. COVID-19 Update

The Agency is back to doing unannounced inspections. During COVID, we did call facilities prior to the inspection to discuss protocol and safety measures. This was the last activity that had a modified procedure. Now we are mostly back to business as usual.

D. Clean Air Excellence Awards

When the Advisory Committee met, they had one application to consider. The application was from Eaton Electrical, the same company that received the award last year, but for a new project. The company replaced a laser with a new more efficient laser that uses less energy and emits fewer pollutants and greenhouse gas emissions. The Committee’s recommendation was to recognize them again. The Committee felt like this would be a good opportunity for outreach for us and good publicity for the facility. The County usually does a news story for us. This is a win-win situation with reduced emissions for the community and good public relations for the Agency. No vote is necessary by the Board.

E. Equity Project

Departments are required to complete equity projects each year. The project that the Agency did for 2020 had to do with language translations for whom English is not their first language. We already had the burning regulation brochures translated in Spanish and Russian. For this project we had a translation service check the previously translated documents for accuracy. We had the notice of violation and civil penalty letters translated into Spanish and Russian also. We also had our asbestos and demolition and renovation permit application forms translated. Now those forms on the Agency website include forms in Spanish and Russian similar to what Buncombe County Permits and Inspections has on their website. These are the most frequent interactions we have with the Spanish and Russian speaking communities. We have completed that project.

For this year we are participating with an EPA environmental justice work group. We are learning more about environment justice and possibilities for related projects.

F. Buncombe County Landfill Permit

The Agency requested that the State of North Carolina take over this permit in 2014, because we had an employment sharing arrangement with David Brigman. Our former Director, Mr. Brigman, was Director of Air Quality as well as Director

of Solid Waste. This was a temporary situation. The Agency has not asked the State Division of Air Quality for the facility to be returned to our jurisdiction. After talking with the State, the EPA and the Board, we are now moving forward. The State did not have a problem with our Agency taking the permit back under our jurisdiction. We are currently working through the details of how that will occur. Now their permit is issued by the State. Currently we are sending letters to the facility, to the State, and the EPA stating our intentions. We will need to issue a new Title V permit, possibly in November. This means we will have to go to public notice and EPA review for the draft permit. We should know more by the next Board meeting.

G. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
MTTG, LLC dba Mill Tek Toll Grinders	Mineral Product Grinding Facility	Small	Spiral Road, Arden	Addition of a Process Line
Nonwovens of America	Textile Manufacturing Facility	Small	Warren Wilson College Road, Swannanoa	Name and Ownership Change

MTTG requested their permit be modified to add an additional process line. Ms. Cloninger moved to approve the permit modification for MTTG. Mr. Whisnant seconded the motion. Voting was conducted by roll call.

Mr. Whisnant-yes
Ms. Cloninger-yes
Dr. Couzo-yes
Mr. Storrow-yes
Mr. Koon-yes
The motion passed 5-0.

Nonwovens was purchased by Ecolab Inc. and the facility requested their permit be modified to change the name on the permit. Mr. Whisnant moved to approve the permit modification for Nonwovens. Ms. Cloninger seconded the motion. Voting was conducted by roll call.

Mr. Whisnant-yes
Ms. Cloninger-yes
Dr. Couzo-yes
Mr. Storrow-yes
Mr. Koon-yes
The motion passed 5-0.

VI. New Business:

A. Legal Counsel Report

Mr. Frue said there was nothing new to report other than what was mentioned earlier in the meeting in terms of the name change and updating the bylaws. He noted that it sounded like the Board would be forming a subcommittee. He would look into that and see if it would be subject to open meetings laws. Mr. Frue was referring to the Advisory Committee, in terms of how it is put together, what it

reports and what power it has. It was noted that this committee had been in place for many years. Mr. Frue will look into it and report back to the Board.

B. Future Virtual Meetings Discussion

This was covered earlier in meeting.

C. City of Asheville Ethics Policy for Advisory Boards and Commissions

Mr. Storrow felt this was worth talking about. There is a document in the Board packet concerning the City of Asheville Ethics Policy based on how we do business and how we interact with one another. This applies to Dr. Couzo and Mr. Storrow, but really applies to all of us. Mr. Storrow asked Mr. Frue if the County had a policy. The County also has one, but the City has more experience with having subcommittees to the Council. Mr. Frue said there has been discussion as to which boards and commissions are subject to which rules. There is not as easy an answer as what we might think. We want to make sure everyone is aware of this policy. We can review over the next couple of months and keep in unfinished business for Board input on this. More discussion occurred and it was decided that the topic could be discussed later if needed. Basically, the policy states that Board members should act with common sense and decorum.

VII. Other Business:

A. Advisory Committee Report

Dr. Couzo noted that the minutes are included on page 44 of the Board packet. The committee discussed recruiting more members and how and when it will meet. They plan to meet every other month, during the months the Board is not meeting. The committee talked about how they could help with the Clean Air Campaign in the fall, and how to get involved with students in the K through 12 and college level.

They are looking at the environmental justice (EJ) realm, especially with what the City is doing concerning reparations and Black Lives Matter (BLM). This seems like a great opportunity for the Agency and Board to get involved with guiding those decisions around EJ. It sounds like people are interested, and we need to get the gears turning and the committee going again.

B. Calendar

1. Next regular scheduled meeting is September 13, 2021.

Three Board members may not be available to meet on the scheduled date. Ms. Featherstone is on vacation the next Monday, September 20. It was suggested that the meeting be moved to Monday, September 27 at 4 PM, when the Board members would be available, and Ms. Featherstone would be back. We have several permits up for renewal and modifications. This will give staff more time to put the packet together.

Ms. Cloninger moved that the next Board meeting be moved to Monday, September 27 at 4 PM. Mr. Whisnant seconded the motion.

Voting was conducted by roll call.

- Mr. Whisnant-yes
- Ms. Cloninger-yes
- Dr. Couzo-yes
- Mr. Storrow-yes
- Mr. Koon-yes

The motion passed 5-0.

The next Board meeting will be **Monday September 27 at 4 PM.**

C. Announcements

Mr. Storrow thanked Mr. Koon for graciously stepping in and leading the Board meeting on short notice.

VIII. Public Comment

There were no public comments for this Board meeting.

IX. Adjournment

Ms. Cloninger made a motion to adjourn. Mr. Storrow seconded the motion. Voting was conducted by roll call.

Mr. Whisnant-yes

Ms. Cloninger-yes

Dr. Couzo-yes

Mr. Storrow-yes

Mr. Koon-yes

The motion passed 5-0.

The meeting was adjourned at 4:55 PM.