

TO: Western North Carolina Regional Air Quality Agency Board of Directors  
FROM: Juanita Shanley, Administrative Secretary  
SUBJECT: September 9, 2013  
DATE: October 21, 2013

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Please find attached a copy of the **MINUTES** from the September 9, 2013 Board Meeting. The next meeting of the WNCRAQA Board is scheduled for **Tuesday, November 12, 2013**, 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, September 9, 2013, 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*  
*Dean Kahl*  
*Loyd Kirk*  
*Vonna Cloninger (via Telephone)*  
*Karl Koon*

Members Absent:

Staff Present: *David Brigman, Director; Ashley Featherstone, AQ Permitting Program Manager; Vic Fahrer, AQ Supervisor; Kevin Lance, AQ Field Services Program Manager; Arnie Lingle, AQ Specialist; Betsy Brown, AQ Specialist; Mike Matthews, Senior AQ Specialist; Juanita Shanley, Administrative Secretary*

Media Present:

Others Present: *Curt Euler, Attorney;*

Mr. Lovin called the meeting of the Western North Carolina Regional Air Quality Agency Board of Directors to order on September 9, 2013, 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.

***II. APPROVAL OF AGENDA:***

Due to time restraints the Agenda was changed to move Item V. c., V. e., V. f., V. g., and V. h. between Item II and Item III and remove Enerdyne Properties from the Agenda. There were no further

changes to the Agenda and Mr. Koon made a motion for approval. Mr. Kirk seconded the motion and it was approved 5-0.

**V. DIRECTOR'S REPORT:**

**C. Revised Civil Penalty Policy:** We reviewed our Civil Penalty Policies and compared it to the State. Minor modifications were made to our policies to more reflect the recent changes with the State and also to give us more flexibility in issuing violations and Notice of Deficiencies (NOD) instead of violations. Mr. Koon made a motion to approve these changes and Ms. Cloninger seconded the motion. It was approved 5-0.

**E. Budget Amendment for Additional Monitoring Equipment:** The Agency just bought new ozone monitors in the last fiscal year. We will also be required to have new Data Loggers and software to run the new monitors. There will also be a yearly maintenance agreement that will need to be purchased with the software. The cost will be approximately \$17,000 and need to add this to our FY14 budget. Mr. Koon asked where the money would come from and Mr. Brigman stated that if necessary it would come from the fund balance. Mr. Kirk made a motion to approve the Amendment and Mr. Koon seconded. It was approved 5-0.

**F. Facility Operating Permits (Renewals)**

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
B.V. Hedrick Gravel & Stone – Grove Stone Quarry	Stone Crushing & Processing Facility	Small	Old U.S. 70, Swannanoa	The insignificant activity list will be updated. Quarry specific flexible permitting conditions will be added.
B.V. Hedrick Gravel & Sand – North Buncombe Quarry	Stone Crushing & Processing Facility	Small	100 Goldview Road, Weaverville	The insignificant activity list will be updated. Quarry specific flexible permitting conditions will be added.
Southern Concrete Materials	Ready-Mix Concrete Facility	Small	80 Pond Road, Asheville	The insignificant activity list will be updated.
Vulcan Construction Materials, LP	Stone Crushing & Processing Facility	Small	Highway 19/23, Enka	The insignificant activity list will be updated. Quarry specific flexible permitting conditions will be added.

Mr. Lovin listed each one for the Board and stated that these had been recommended by the staff. There were no questions regarding the permit renewals and Mr. Koon made a motion to approve all four permits. Dr. Kahl seconded the motion and it was approved 5-0.

**G. Facility Permit Modifications**

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
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APAC – Atlantic, Inc., Weaverville Facility	Asphalt Manufacturing Facility	Synthetic Minor	Goldview Rd., Weaverville	APAC has requested permission for a modification that would allow the production of warm mix asphalt.
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Mr. Lovin ask if there were any questions about APAC - Weaverville. There were none and Mr. Koon made a motion to approve the permit modification. Mr. Kirk seconded the motion and it was approved 5-0.

**H. New Facility Permits**

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Ingles Markets, Inc.	Grocery Distribution Center	Small	US Highway 70, Black Mountain	Six emergency generators

Mr. Fahrer briefly explained the permit. Mr. Kirk asked about the other six generators and Mr. Fahrer said they were just smaller and didn't need permitting. There were no further questions regarding the New Facility and Mr. Kirk made a motion for approval. Mr. Koon seconded the motion and it was approved 5-0.

**III. CONSENT AGENDA:**

**Approval of minutes from the July Board Meeting:** Mr. Koon made a motion to approve the minutes and Ms. Cloninger seconded the motion. The motion passed 5-0.

**IV. UNFINISHED BUSINESS:**

A. **Old Monitoring Building Update:** Mr. Brigman informed the Board that he had contacted the Forest Service about the old building and was waiting for them to get back with him. Once we hear from them, Mr. Euler will check to see if we need to get approval from the Commissioners or if the Board can approve disposal.

B. **Gas Can Swap:** The Agency has had two gas can swaps so far. We exchanged approximately 200 cans at the Biltmore Iron and Metal and gave out another 180 at the Landfill with the second exchange. We will have one more swap and will possibly do this one at the office.

Ms. Cloninger had to leave.

C. **Diesel Retrofit Project Update:** Ms. Featherstone told the Board that it takes about six weeks to get the parts once ordered. We have not heard from Clark Equipment, so she will follow up with them in the next couple of weeks. The work needs to be completed before winter because that is the busy time for the fire departments

V. **DIRECTOR'S REPORT:**

A. **NC Gen. Assembly Regulatory Reform Act of 2013. House Bill 74/Session Law 2013-413:**

Mr. Brigman went through the changes that affected the Agency. Section 26 of the new Bill, Vehicle Emissions Inspections, requires a study of the vehicle emissions testing and inspection program. The results may determine whether new cars need to be tested for emissions during their first three years. Section 27, Complex Source Rules, provides that the Commission may establish rules dealing with complex sources, such as parking lots. The need for dispersion modeling will be studied to see if these rules are still necessary. Section 28 deals with the Open Burning Rules. It now allows for burning without requiring a permit, as long as the material is at least 500 feet from occupied dwellings and there are no more than two piles, each 20 feet in diameter. It allows material to be moved to another location for burning. This will affect us most by eliminating approximately \$6,000 to \$20,000 in revenue that we use to subsidize our enforcement of burning regulations. Section 29 clarifies that Small Source permits will be renewed every eight years instead of every five. Finally, Section 58 requires the examination of the role professional engineers play in the permitting program. We are not sure yet how this will affect us down the road.

Mr. Brigman asked if there were any questions. He stated that Open Burning is the main issue for us because we deal with burning complaints. There were a couple of questions which Mr. Brigman answered.

B. **Quarterly Report – 2<sup>nd</sup> Qtr. 2013:** There were no questions about the report.

F. **Website:** The county webmaster is now maintaining our website. They are reworking the site and when completed it will look a lot like the county site and can be accessed from the Buncombe County website. We will continue to keep our web addresses.

Mr. Lovin wanted to inform the Board why the Permit for Enerdyne Properties LLC was pulled from the Agenda. Mr. Brigman stated that Enerdyne was required by our rules to do an analysis to show they were compliant with the best available control technologies. After the process was started we discovered that the State regulations had been changed and there was an exemption for them. They were no longer required to do the analysis which meant we did not have to open their permit.

VI. **NEW BUSINESS:**

A. **Legal Council Report – Mr. Euler:** Mr. Euler had nothing to report.

VII. **OTHER BUSINESS:**

A. **Advisory Committee Report – Deal Kahl:** The Committee met on August 6<sup>th</sup>. Dr. Kahl stated they were continuing to rework on the awards guidelines and the Committee member list. The next major project will be to schedule a media event for the fire engine retrofit project. No date has been scheduled for the next meeting.

B. **Calendar:**

1. The next meeting for the Board will be Monday, November 12, 2013 at 4:00 p.m.

C. **Announcements:** None

***VIII. PUBLIC COMMENT:***

None

***XI. ADJOURNMENT:***

With no further business, Mr. Koon moved that the meeting be adjourned at approximately 4:58p.m. and Mr. Kirk seconded the motion. The motion passed 4-0.