



MEMORANDUM

TO: Asheville-Buncombe Air Quality Agency Board of Directors

FROM: Ashley Featherstone, Director

RE: Minutes for September 28, 2023

DATE: November 1, 2023

Enclosed, please find the Minutes for the Asheville-Buncombe Air Quality Agency Board held on **Thursday, September 28, 2023**. The next meeting is scheduled for **Wednesday, November 8, 2023, at 4:00 pm** in the meeting room located at the Buncombe County Permit Office at 30 Valley Street, Asheville, NC 28801. A **3:00 pm Board retreat** is scheduled prior to the regular Board meeting.

This meeting will be live streamed on Engage Buncombe which can be accessed at <https://engage.buncombecounty.org/s8486>. The board meeting documents will also be available on the Engage Buncombe site. The meeting will be recorded and can be viewed later.

The Asheville-Buncombe Air Quality Agency Board of Directors met on Thursday, September 28, 2023, in the meeting room at the Buncombe County Permit Office located at 30 Valley Street, Asheville, N.C.

The attendance of the Board members was as follows:

Members Present:

Joel Storrow

Karl Koon

Evan Couzo

Garry Whisnant

Ned Guttman

Members Absent:

None

Staff Present: *Ashley Featherstone, Director; Kevin Lance, Field Services Program Manager; James Raiford, Permitting Program Manager; Betsy Brown, Air Quality Coordinator; Alex Latta, Senior Air Quality Specialist (via Zoom)*

Others Present: *Johanna Cano, Buncombe County Communications and Public Engagement (CAPE); Patti Beaver, CIBO; Jay Haney, Advisory Committee member; Amy Broughton, County Attorney*

Mr. Storrow called the meeting of the Asheville-Buncombe Air Quality Agency Board of Directors to order on September 28, 2023, at 4:03 pm.

The order of business was as follows:

1. Public Comment Protocol Announcement

Mr. Storrow read the public comment protocol.

2. Adjustment and Approval of Agenda

Mr. Koon made a motion to add consideration of a board retreat under New Business and add State Budget Air Permit Related Law to the Director's Report. Mr. Whisnant seconded the motion.

All present – yes

The motion passed 5-0.

3. Consent Agenda:

A. Approval of minutes from July 31, 2023

Mr. Koon made the motion to approve the minutes. Dr. Guttman seconded the motion.

All present – yes

The motion passed 5-0.

4. Unfinished Business:

None

5. Director's Report:

A. State Budget Air Related Law

A new law related to air quality permits was included in the budget that was just passed by the state legislature. This new law includes a provision which allows a facility to add a new piece of equipment which is an emission source, but not operate it, once they have turned in an application considered complete administratively. It takes effect Monday, October 2, 2023. A facility would be able to construct an air pollutant source before the agency has completed their review. Currently the facility has to wait for the agency to conduct their review and issue the permit before they are allowed to construct. The EPA responded that it is contrary to the Clean Air Act. If a source has already been constructed there would be a lot of pressure on the agency to issue a permit. If someone chose to do that here, we would caution that they are building the source at their own risk. This provision does not apply to a PSD (Prevention of Significant Deterioration) major source permit application. The Agency will have to handle any such requests on a case-by-case basis. Our local rules do allow us to grant a limited and temporary permission to construct a source of air pollution, at the facility's own risk.

B. Nondiscrimination policy

The Agency is drafting a non-discrimination policy. This is related to 40 CFR Parts 5 and 7 and Title VI of the Civil Rights Act of 1964. There is an EPA grant requirement for agencies that apply for EPA funds to have such a policy. We are editing EPA proposed wording for our Agency policy and plan to bring it back to the board for approval at our next meeting. We would post this in our office and on our website. We have reached out to the County about whether or not they have a policy or guidelines. Since we are the grant applicant, it would be prudent to have our own policy. If a discrimination complaint is related to a human resource issue the complaint would go through the County since they handle our human resources per the interlocal agreement. If the complaint is air permit related, it would be routed through the Air Quality Director.

C. Monitoring Update

Data completeness year to date for PM2.5 is 96.9%. For ozone data completeness is 96.6%. Ozone season ends at the end of October, and to date, there have been no exceedances for ozone or code orange forecasts for ozone.

Friday September 22, 2023, Mr. Lance met with Dr. Couzo, a couple of UNCA students, Ms. Featherstone, and Mr. Joseph Hough, the Assistant Superintendent of Buncombe County Schools, at the Buncombe County Board of Education. This is the location of the Air Quality particulate matter monitoring site and where Air Quality has located the new citizen sensor shelter. Mr. Hough had some concerns about public access to the site on school property which were addressed.

The EPA requested that the Agency submit a needs assessment for possible additional Inflation Reduction Act grant funds. Basically, this is a wish list just for ambient monitoring services. The NC Division of Air Quality submitted a list which added up to six million dollars. Our submittal was \$234,000. That amount included the cost of an electric truck utilized for monitoring, a backup monitor for PM, and funding an additional position. The previous recent additional grant opportunities were very specific, whereas this one was open-ended, and the EPA was very unclear about what they might fund. If we receive the funds to support the position, it would only be for a limited amount of time, one year. That position would have to post as a grant funded limited position. Theoretically, another staff member might retire, and the new hire could apply for the vacated permanent position. It has been helpful receiving the funds to purchase monitoring equipment, but the Agency needs more staff. The funds have to be spent by 2031. There is concern that a change in Congress could undo these plans, so there is a push to get the funds out and spent within a few years (before the current law allows).

If there is a government shutdown, it does affect our interactions with the EPA. They might not be able to analyze some of our monitoring data from the last NPAP audit and we might have to have another audit. These audits are annual for both ozone and PM2.5.

D. Facility Permit Renewals

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
Anders-Rice Funeral Home	Crematory	Small	1428 Patton Avenue, Asheville	Update general conditions.
Eaton Electrical	Electrical Distribution Equipment Manufacturer	Small	221 Heywood Road, Arden	Update general conditions, remove VOC work practice requirements that no longer apply to our area.
Ohio Electric Motors, Inc.	Electric Motor Manufacturing Facility	Small	30 Paint Fork Road, Barnardsville	Update general conditions, remove VOC work practice requirements that no longer apply to our area.
Perfection Gear, Inc.	Power Transmission Manufacturing Facility	Small	9 North Bear Creek Road, Asheville	Update general conditions remove VOC work practice requirements that no longer apply to our area.

Smokey Mountain Lumber, Inc.	Wood Products Finishing Facility	Small	19 Lower Grassy Branch Road, Asheville	Update general conditions. Add fugitive dust condition to permit.
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The renewals are all small source facilities. These facilities are renewed every eight years. Board members asked some questions about crematory temperature logs. Mr. Raiford explained that staff can look at the charts and determine if there was a problem with the units in the past and link the results with a complaint or known excessive emission episode.

Mr. Koon made the motion to approve the permit renewals. Dr. Guttman seconded the motion.

All present – yes

The motion passed 5-0.

E. New Facilities

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
Premier Custom Crushing, LLC	Portable Concrete, Stone, and Recycled Asphalt Pavement Crusher	Small	Various sites with local zoning authority approval	Crusher, screen, conveyor belts, generator

This portable crushing facility applied for an expedited permit earlier in the month which we granted. This is for the actual permit for the facility.

Dr. Guttman made the motion to approve the permit for Premier Custom Crushing, LLC. Mr. Koon seconded the motion.

All present – yes

The motion passed 5-0.

F. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
APAC – Atlantic, Inc., Weaverville Facility	Asphalt Manufacturing Facility	Synthetic Minor	Goldview Road, Weaverville	Replace equipment and raise production limit

The APAC facility near the Hedrick quarry in Weaverville is requesting a modification to their permit which allows for replacement of their equipment with new equipment and increases their production limit. They were required to conduct NC Air Toxics modeling again because of changes to stack

parameters and to account for their increased production limit. A permit modification was not required for the like-for-like equipment replacement; however, the modification was required to increase their production limit.

Mr. Koon made the motion to approve the permit modification for APAC – Weaverville. Mr. Whisnant seconded the motion.

All present – yes

The motion passed 5-0.

6. New Business:

A Board retreat was suggested to discuss the upcoming budget and some additional expenses such as digitizing our files.

Mr. Koon made the motion to have a budget retreat to meet one hour, at 3 pm, before the November board meeting. Mr. Whisnant seconded the motion.

All present – yes

The motion passed 5-0.

7. Other Business:

A. Legal Counsel Report

Ms. Broughton has talked with Ms. Featherstone about how to collect fines on outstanding open burning citations. We are looking at options ranging from going to court all the way to filing possible nuisance lawsuits. The violators are residents of Buncombe County so we want to handle it as reasonably as we can. Ms. Featherstone has been clear that there are some longtime repeat violators that need to be addressed. Some are at homeless encampments where there are violations to several Buncombe County department rules in addition to Air Quality rule violations. Some of the locations are not safe for an inspector to investigate without the escort of a sheriff's deputy. Setting this up can delay inspection a couple of hours. The issuance of continued violations does not seem to be effective at stopping the problem; we issue citations, and they keep burning illegally. We have about 10 violators with outstanding penalties who have not responded to the Agency. We can charge greater fines than the Fire Marshal can, and we work with that office as much as we can.

Ms. Broughton hopes to have more information at the next meeting.

B. Advisory Committee Report

1. August 17, 2023 Minutes

Dr. Couzo said that this was the first time this advisory committee met in person. The committee discussed the low-cost sensor usage policy and the access policy. If a citizen wants access to the shelter, they will need to fill out a volunteer form and meet personally with the Assistant School Superintendent. It is typical for the agency to request a copy of the raw data that has been collected at a shelter on their property. Once the agency has possession of the data it can be requested in a public records request. There was discussion concerning publication of a

study by those utilizing the shelter and how to protect that sensor data until publication. Also, the agency would ask that it be informed prior to publication of a study utilizing that data. More revisions need to be made based on the discussion. Once there is a draft policy, it will be presented to the board to see if it recommends further changes.

The committee talked about the Agency's role in communicating to the public that there is a risk and mitigating that risk during an event with high pollution levels such as those caused by Canadian wildfire and smoke issues this summer. There was a discussion about different masks and respirators. Keith Banberger said that on the state level, the DAQ tells residents to ask their doctor any specific questions about their health and whether or not they should wear masks due to elevated pollution levels.

Dr. Couzo gave an update on the UNCA projects using low-cost sensors. They have 15 Purple Airs that they want to place in public housing communities by the end of the year- the end of fall semester. He is still trying to get in touch with the Housing Authority of Asheville.

In another study the Raspberry Pi sensors built by Dr. Couzo and his students, formerly collocated with the Agency's regulatory monitors to determine how they will perform, are to be individually sited at Asheville City Schools. That is expected to happen in about a month.

We plan to work with the Communication Team to get the word out to the residents, especially teachers and students, about the citizen sensor shelter. It is a weatherproof box with power and is situated next to the regulatory monitors. Not everyone may gain access to the site. It is on school property and Nesbitt STEM High School is located there. The applicant will need to explain their study or purpose for access to the site in their application. Dr. Couzo went through the process so that he has access to the shelter site.

C. Calendar

1. Next meeting November 9.

The Board will meet for the retreat at 3 pm before the regular meeting at 4 pm.

2. Board schedule 2024

Dr. Couzo will know his schedule soon. He anticipates class on Mondays and Wednesdays. Ms. Broughton is not as tied to the Commissioners meetings as Mr. Frue is, so Tuesdays are generally a day and time she can meet. Tuesdays or Thursdays may be best. The Board will discuss the 2024 Board meeting schedule in November.

D. Announcements

Dr. Guttman thanked Dr. Couzo for sharing his air pollution sensor expertise with some of the state climatologist managers with respect to some questions from state climatology offices around the country.

Ms. Featherstone said it is National Drive Electric week. There have been functions all week. Tomorrow, September 29th, is the Electric Equipment Expo at the Asheville Outlets. On Saturday, there is Blue Ridge Parkway EV drive. On Sunday the EV Car Show is at the Asheville Outlets. There will be posts on our Facebook page and that of the Clean Vehicles Coalition.

Today is National Drink Beer Day.

8. Public Comment

None.

9. Adjournment

Mr. Koon made the motion to adjourn. Dr. Couzo seconded the motion.

All present – yes

The motion passed 5-0.