

AGENDA ITEM 2

**ENVIRONMENTAL MANAGEMENT COMMISSION
AIR QUALITY COMMITTEE MEETING SUMMARY**

January 7, 2015

Archdale Building-Ground Floor Hearing Room

3:00 – 5:00 PM

The Air Quality Committee (AQC) of the Environmental Management Commission (EMC) met on January 7, 2015, in the Ground Floor Hearing Room of the Archdale Building. The AQC members in attendance were: Chairman Charles Carter, Chair, Mr. Gerard Carroll, Dr. Lawrence Raymond, and Mr. E.O. Ferrell. The Director and staff members of the Division of Air Quality (DAQ), Ms. Jennie Hauser of the North Carolina Attorney General's Office and the general public was also in attendance.

CALL TO ORDER (Chairman Charles Carter)

Agenda Item #1, Call to Order and the State Government Ethics Act, N.C.G.S. §138A-15(e)

General Statute §138A-15(e) mandates that the Chairman inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Environmental Management Commission's Air Quality Committee. No conflicts were identified.

MINUTES (Chairman Carter)

Agenda Item #2, Review and Approval of November Meeting Summary

Chairman Carter advised that there was a typographical error in Agenda Item #6 at the top of page three of the summary. The words "and repeals" should be deleted from the second paragraph as there were no repeals involved in this particular Hearing Officer Report. He moved for a motion to approve the November meeting summary to include the correction. Mr. Ferrell made a motion to approve the summary and Mr. Carroll seconded the motion. The motion to approve the summary was unanimously approved.

CONCEPTS

NONE

DRAFT RULES

NONE

DRAFT REPORT

Agenda Item #3, Request for Approval to Proceed to Public Comment on S.L. 2013-413 (H74)

Periodic Review of Rules Report for 15A NCAC 02D and 02Q (Joelle Burlison, DAQ)

Ms. Burlison presented slides and explained the review process. She reminded the Committee that under the Regulatory Review Process, agencies are to review each of their rules.

Step 1- Agency Determination

Step 2 – Rules Review Commission (RRC) review

Step 3 – Administrative Procedures Oversight (APO) Committee consultation

AGENDA ITEM 2

Ms. Burleson explained that each of the rules within the subchapter are required to be classified into one of three categories; “necessary with substantive public interest”, “necessary without substantive public interest”, or “unnecessary”.

Ms. Burleson advised that once the report is approved by the EMC, the report will be taken out for a 60-day comment period. Those comments are submitted through DENR’s web application specifically developed for this process. Ms. Burleson expressed thanks and kudos to those who put that web application in place. The agency will review and respond in the report to the comments and once the EMC has approved the report, it will be submitted to the RRC for their initial determination. Final determination is effective only after completion of APO consultation.

Ms. Burleson talked about the effect of the final classification. Rules that were “unnecessary” would expire and be removed from the code following APO’s finalization of the agency’s report. Rules that are “necessary without substantive public interest” would remain in effect without further action. Rules that were “necessary with substantive public interest” would go through the rule re-adoption process as if they were new rules.

Ms. Burleson talked about the Air Quality rules as outlined in the slide presentation. At the time the report was published, there were 365 Air Quality rules (268 - 15A NCAC 02D, Air Pollution Control Requirements and 97 15A NCAC 02Q, Air Quality Permits Procedures). Most were deemed “necessary with substantive public interest”. The majority of the rules are federally required and/or approved under the Clean Air Act (CAA). She advised that the identification that a rule is federally required does not necessarily preclude repeal as part of the re-adoption process if warranted; however, a demonstration to EPA may be required. Ms. Burleson provided the Committee with a breakdown of the classifications for the Air Quality rules as reflected in the slide presentation.

She advised the Committee of next steps as also reflected in the presentation.

Determination – approved by AQC - January 2015

Seeking EMC approval – March 2015

Public Comment Period – mid March to mid May 2015

Report to AQC – July 2015

Report to EMC for final approval – September 2015

Report due to RRC – by November 2015

RRC reviews report – December 17, 2015

Final determination effective after APO consultation – beginning 2016

Schedule for rulemaking to re-adopt in accordance with APA developed with RRC staff and re-adoption process begins.

Ms. Burleson advised that the request before the Committee was to approve the 15NCAC 02D and 02Q rules initial classification report to proceed to the EMC to proceed to the public comment as required by S.L. 2013-413 and then to return to the Committee in July for approval of the final report to the RRC. Also requested was the AQC’s approval of updating the report to reflect the repeals that are effective of January 1, 2015. She added that there were a few rules that were amended in conjunction with other rule

AGENDA ITEM 2

changes that were approved at the November AQC meeting and their effective date would need to be updated.

Discussion:

Chairman Carter asked whether Ms. Burleson was indicating that some editorial corrections would need to be made.

Ms. Burleson confirmed that editorial changes would need to be made to the report before it goes from the EMC out for public comment. She proposed that those changes be made before it goes before the EMC.

Chairman Carter clarified that this would not go before the EMC before March.

Ms. Burleson confirmed.

Chairman Carter recommended approval to proceed to the EMC at the March meeting with appropriate corrections as outlined by Ms. Burleson.

Motion:

Mr. Carroll made a motion and Mr. Ferrell made a second motion. The motion was unanimously approved by the Committee.

JANUARY EMC AGENDA ITEMS

NONE

INFORMATION ITEMS**Agenda Item #4, Ozone Standard Update (Donnie Redmond, DAQ)**

Mr. Redmond introduced himself as the Section Chief for the Ambient Monitoring Section of the DAQ. He began his presentation by giving background. He talked about EPA's proposed ozone standard. The proposal was signed on November 25, 2014 and was published December 17, 2014. The 90-day public comment period ends March 17, 2015. Three public hearings are to be held in January 2015. The court order to sign final rule is by October 1, 2015.

- Clean Air Scientific Advisory Committee (CASAC) recommended a range of 60-70ppb for the primary standard and a separate form for the secondary standard.
- EPA is proposing a range of 65-70ppb with the secondary standard taking the same form as the primary standard.

Discussion:

Chairman Carter asked whether EPA is proposing the same level in addition to the same form.

Mr. Redmond confirmed and added that EPA proposed that using the same form offers the same protection.

AGENDA ITEM 2

Mr. Redmond continued by showing maps that indicated the counties that exceed the proposal. He noted that the map reflected 2011-2013 data and the standard will actually be set using 2014-2016 data. He also showed an EPA map showing the 2025 projection which indicated that most NC counties would meet the proposed range of standards in 2025.

Discussion:

Mr. Ferrell asked why California is a different color on the map than the other states.

Director Holman explained that under the CAA, there are different classifications based on how far above the standard a monitor is and a lot of the California area monitors would be considered severe or extreme non-attainment and they have significantly more time to attain the standard well beyond 2025.

Chairman Carter remarked that the map indicates that the whole state is considered severe nonattainment.

Director Holman agreed that all areas in California are not considered severe.

Mr. Redmond continued his presentation by talking about the NC ozone design values for 2012-2014. He advised that the designations will be made using 2014-2016 data and the 2014 ozone season had no exceedances with the lowest numbers that we've seen.

Chairman Carter asked whether that means that the designations would not occur until 2017 or later.

Mr. Redmond confirmed.

He explained the "Planning" schedule. He said that when EPA announces this rule, states do not go immediately into nonattainment. EPA will announce the standard in October. States will have one year to recommend a nonattainment area to EPA. We would have until October 2016 to make a recommendation. EPA would then have another year designate. October 2017 is when those designations would actually occur. The designations would typically have to be attained within three years.

He talked about the monitoring aspects of the proposal.

- No new ozone monitors are specifically required.
- Ozone season would start a month sooner
- Photochemical Assessment Monitoring Stations (PAMS) would be required in Wake and Mecklenburg counties if they are nonattainment
- Enhanced monitoring in other nonattainment counties

Mr. Redmond talked about the permitting aspects of the proposal.

- PSD grandfathering
- Seeking comment on appropriate criteria for PSD grandfather

Mr. Redmond closed by providing a summary.

- The current standard is 75ppb
- EPA is proposing to change the standard to 65 - 70ppb
- The final rule should come out in September 2015
- The designations would be made in October 2017 and based on 2014-2016 data
- The likely attainment date would be October 2020

Discussion:

Chairman Carter asked whether the likely attainment date of October 2020 meant that it is expected that all areas would be designated as marginal.

AGENDA ITEM 2

Mr. Redmond clarified that it would be October 2020 at the earliest.

Mr. Ferrell asked whether the state of NC would submit comments.

Director Holman clarified that the Department will submit comments on proposals like this. She said that the Department may comment on the level of the standard, the new monitoring requirements, and/or the permitting requirements. She said that the DAQ is still in the process of reviewing the rule. Director Holman advised that she could share those comments with the AQC once developed.

Chairman Carter commented that the Department did provide comments on the proposal in 2010 or 2011.

Director Holman confirmed.

Chairman Carter suggested that it might be helpful if the Committee were provided with those comments.

Director Holman said she would do so.

Chairman Carter noted that the Department provided very good comments. He explained that the Administration decided to suspend that rulemaking. They were not under any legal or regulatory compulsion to go with the action at that time. The main discussion was the concern that it would become a 2012 election issue. Now we are on the five-year review cycle requiring the EPA to act formally. They don't have to provide a standard. They just have to review the standard and make a decision whether or not it should be revised. Chairman Carter said that one time many years ago, the standard was actually increased.

Dr. Raymond commented that as he sat in Charlotte traffic, he was dumbfounded by the projection that by 2030, the population of Charlotte and of Raleigh will increase by 71%. He asked about what the impact of potential nonattainment between now and 2030 might be and what the Department's recommendations might be. He added that the impact of nonattainment could be significant in terms of federal funding streams.

Director Holman commented about the population growth in many of our areas resulting in an increase in the number of cars on the road. However, EPA has promulgated more stringent engine standards and projects much lower emissions as we move forward. She noted that the 2025 map that Mr. Redmond presented was actually an EPA projection based on the mobile emissions along with population growth. She commented that the map shows a good picture of 2025 and that reflects the stringency of the new engine standards. She continued that one of the other challenges in the nonattainment areas is trying to ensure that the transportation plans and transportation improvement programs and the resulting air emissions from those plans don't worsen air quality and don't contribute to continued violations. She said that the DAQ is very engaged in working with the transportation partners within in the state to estimate those emissions from the plans and compare that to the air quality plans for attaining and maintaining the standards.

Agenda Item #5, Local Air Quality Programs Overview

Chairman Carter provided some background saying that there are three local air quality programs in the state. Those are located in Mecklenburg, Forsyth and Buncombe counties. He explained that in each of those three counties, the implementation of the state program occurs through the local program rather than through the DAQ. He said that this poses some interesting challenges. He gave an example that the nonattainment SIP has to fully incorporate the local air programs as well as the state requirements for adjacent and surrounding counties.

AGENDA ITEM 2

Discussion:

Mr. Ferrell asked whether the local programs are funded by the county or the state.

Chairman Carter replied that they are semi-autonomous since they operate under state law, but the local programs don't directly report to DENR or to DAQ in regards to their operations.

Western North Carolina (WNC) Regional Air Quality Agency (David Brigman, Director)

Director Brigman introduced himself as the Director of the Western NC Regional Air Quality Agency. He began by stating the mission statement for the agency.

“The Western North Carolina Regional Air Quality Agency monitors and regulates Buncombe County's air quality to safeguard public health and the environment, while preserving the quality of life and economic vitality of the area.”

Director Brigman explained the agency's responsibilities.

- Responsible for enforcing federal, state, and local air quality regulations
- Permitting of industrial and area sources
- Compliance and Enforcement
- Asbestos Removal and Open Burning
- Monitor Air Quality for compliance with National Standards
- Education and Outreach
- Pollution Prevention Projects and Outreach
- Indoor Air Quality Hotline
- Website – www.wncairquality.org

He continued by talking about the air pollution in WNC.

- Temperature Inversions
 - Trap air pollution near surface, rather than dispersing it
- “Bowl” Effect associated with topography
- Any locally-generated pollution exacerbates the problem

Director Brigman provided history about the agency noting the Smoke Abatement program in the 1940's, the Multi-County Agency from 1970 – 2000, and the Inter-local Agreement between Buncombe County and the City of Asheville in 2000.

He showed a staff organizational chart and provided an overview.

- Governed by an Independent 5 Member Board
 - 3 members are appointed by Buncombe County Commission
 - 2 members are appointed by Asheville City Council
- Advisory Council
 - Several members of the community from diverse backgrounds
 - Citizens may apply and are appointed by the board

Director Brigman explained how the how planning and rules are developed.

- SIP is coordinated with DAQ
- WNCRAQA Code - The agency has its own air quality regulations.
- Agency Board adopts DAQ rules by reference, with minor changes to reflect agency structure
- Differences include asbestos, fugitive dust rule, fees, permitting requirements for Stage I and portable crushers

Discussion:

Chairman Carter asked for clarification for how permitting for Stage I is done.

AGENDA ITEM 2

Director Brigman explained that Stage I permitting is required for gas stations. The agency requires a permit for air emissions for going out and inspecting gas stations requiring that the seals, the tubes and all equipment meet the standards so that benzene is not emitted into the atmosphere.

He also talked about the agency's ambient monitoring network.

- One FRM 2.5 Monitor
- One collocated FRM 2.5 Monitor
- One continuous TEOM PM 2.5 Monitor
- One Speculated PM 2.5 Monitor (Will be discontinued 1/2015)
- One SLAMs Ozone Monitor
- One Carbonyl sampler 1/12
- One 1/6 UAT VOC Sampler

Director Brigman advised that 2013 data reveals that the agency had 431 asbestos permits. The agency reviewed 759 City of Asheville permits and 239 Buncombe County permits. He also noted that all demolitions and asbestos renovations not regulated under 40 CFR 61.145 are regulated by WNCRAQA, and must meet requirements specified by Chapter 4.1110 of the WNCRAQA Code.

Discussion:

Chairman Carter asked what type of activity would be related to demolitions and asbestos not regulated under 40 CFR 61.145.

Director Brigman said that the demolition of residential structures is covered under the county's code so that two inspectors weren't being sent out for the same purpose.

He continued by talking about complaints received by the agency in 2013 as summarized below and advised that WNCRAQA investigates all complaints received. Complaints are addressed after hours when necessary.

Industrial Sources		1
Dust/Odor/Indoor Air	6	
Open Burning	44	
Asbestos	1	
Stage I	<u>0</u>	
Total	52	

Director Brigman talked about enforcement providing the following summary statistics.

Notices of Violation	36
Civil Penalties Assessed	17
Total Penalties Assessed	\$ 14,350
Total Penalties Collected	\$ 10,775

He also noted other things the agency does including:

- Annual Recognition Awards
- Quarterly Activities Published Online
- Permitted Facility Workshop
- Area Source GACT Outreach
- Open Burning Outreach with Fire Departments
- Annual Radon Test Kit Giveaway – Partner with NC Radon Program
- Diesel Retrofits - School Buses (Buncombe, Haywood, Madison, Transylvania Counties) - EPA grant
- Diesel Retrofits – Fire Engines – NC DENR grant
- Wood Stove Change Out Promotion - Tax Credits
- Gas Can Swaps – Corporate Donor (SEP)
- Idle Reduction Efforts at Schools – Partner with NC DAQ
- Social Media – Facebook and Twitter

Director Brigman noted that the other environmental programs in Buncombe County are:

AGENDA ITEM 2

- Storm Water Management – City of Asheville and Buncombe County
- Erosion Control – Buncombe County
- Environmental Control (illegal dumping, junk yards) – Buncombe County
- Solid Waste – Landfill, Recycling, Household Hazardous Waste – Buncombe County
- Farmland Preservation Program – Buncombe County
- Office of Sustainability – City of Asheville

Discussion:

Director Holman asked Director Brigman to address the previous question about the agency's funding streams.

Director Brigman explained that the WNCRAQA received Section 103 and Section 105 grants from EPA. The 105 grant is for funding the general organization and the 103 grant is used for the PM2.5 programs. The agency receives NC gas tax funds through the DAQ. He said that everything else is self-funded from permit fees generated within the county.

Discussion:

Chairman Carter asked for clarification regarding the PM2.5 grant.

Director Brigman confirmed that the Section 103 grant for PM2.5 is a small, non-matching separate grant.

Mr. Ferrell asked whether Buncombe, Wake, and Mecklenburg Counties have assumed costs that Guilford County lets the state pay.

Director Holman clarified that the Section 103 and 105 grants are granted based on population and emission sources and the Section 103 grants are granted based on the number of PM2.5 monitors. The agency shares a portion of these grants with DAQ based on their emission sources and population. The DAQ receives a much larger portion based on the 97 counties and the population. These communities have elected to have a local environmental program and have taken the responsibility for monitoring, permitting and compliance.

Chairman Carter asked whether the agency receives appropriation from the County Commission and the City Council.

Director Brigman clarified that the agency receives services from the County and the City but at present were not requiring funding from either. He confirmed that the WNCRAQA is self-supported at present. He advised that if at any time the agency falls short of funding, it is in the organization charter that the City and the County would be requested to contribute.

Mr. Ferrell asked whether the agency was self-supported by the multiple streams of grants, fees, and fines.

Director Brigman said that they were self-supported by the grants and fees, but the fines go to the Board of Education.

Chairman Carter advised that under state law, civil penalties collected go to the Board of Education.

Director Brigman answered a previous question regarding oversight from the state. He said that the WNCRAQA works extremely closely with and has a good relationship with Director Holman and the DAQ. He said that the DAQ assists the WNCRAQA with things they don't have the manpower or funds to handle. He complimented that it was very nice having someone like Director Holman and the DAQ staff to reach out to and work with.

AGENDA ITEM 2

Director Holman added that within the DAQ organizational structure, there are different work groups made up of regional office and central office staff and the local programs staff participate in those workgroup meetings. The DAQ tries to ensure as much consistency as possible as well as utilizing those limited resources to troubleshoot issues effectively and efficiently for North Carolina.

Chairman Carter clarified that he had mis-described the WNC local program as a single county program but in fact it is a County and City program. He asked whether there is a reason why it isn't strictly a county program.

Director Brigman explained that in the 1970's, the agency was set up as a regional program because it included four counties. When Haywood County pulled out, Henderson County approached the agency wanting to participate but that never materialized. When the local program was set back up in 2000, it was set-up as a regional program that another county could join. Thus, the City of Asheville and Buncombe County were in a regional partnership together instead of a county program.

Dr. Raymond asked where the NC Radon Program resided.

Director Holman answered that the NC Radon Program is located within the Department of Health and Human Services Radiation Protection Section.

Mecklenburg County Air Quality (MCAQ) (Leslie Rhodes, Director)

Director Rhodes began by thanking the Committee for the opportunity to provide an overview of the MCAQ Program. She has been with the local program for 11 ½ years and has served as the Director for the past year and a half.

Director Rhodes expressed how much the Program benefits from the professional relationship that has been established with Director Holman, Deputy Director Abraczinskas and the DAQ staff. She continued that she has seen staff at all levels within the two organizations work collaboratively to achieve measureable environmental goals. She said that as a local program, they do not take that for granted.

Director Rhodes started with an overview of how the MCAQ Program fits in the County. Air Quality is a division of LUESA (Land Use and Environmental Services Agency) which is a department within Mecklenburg County.

Director Rhodes presented an organizational chart for the MCAQ Program showing 25 positions with 23 positions being filled. They have three program divisions; Permit & Enforcement, Air Monitoring and Mobile Sources.

The MCAQ Program is governed by and the local rules are adopted by their Board of County Commissioners (BOCC). They adopt rules either "by reference" or "not by reference". She explained in detail the two processes.

Discussion:

Chairman Carter asked whether the rule adoptions were done on a regular basis.

Director Rhodes explained that it was done at least once a year.

Director Rhodes noted that Mecklenburg County is the only remaining full county designated nonattainment for ozone in NC. For that reason, they focus a great deal on NOx emissions. She showed a pie chart showing the 2012 NOx Emission Sources in Mecklenburg County that showed that on-road

AGENDA ITEM 2

vehicles and off-road equipment comprise about 90% of the NOx emissions, which is the primary precursor to ozone emissions in the area. To address the NOx emissions at a local level, they started a program called GRADE (Grants to Reduce Aging Diesel Engines) in 2007. The program offers grant opportunities to public organizations and private businesses that are willing to do early replacement or re-power of high emission diesel equipment. This program has resulted in over 350 tons of NOx reductions and over 1,300 tons of NOx reductions are anticipated over the lifetime of the projects that are already funded.

Discussion:

Chairman Carter asked whether surrounding counties also provide funding or is it strictly coming from Mecklenburg County.

Director Rhodes said the other counties are not providing funding. She said that GRADE gives the MCAQ Program the opportunity to act regionally. Projects are required to operate in the presumptive nonattainment area for the life of the project. So, although the business may not be located in Mecklenburg County, they may be doing work in Mecklenburg County or one of the surrounding counties and therefore Mecklenburg County benefits from the emission reductions.

Chairman Carter remarked that EPA has funding for these types of retrofits.

Director Rhodes confirmed that it was DERA funding.

Chairman Carter commented that three of the surrounding counties are in South Carolina.

Director Rhodes stated that any state grants received are only spent in the North Carolina portion of the nonattainment area, but the federal grants received are used for marketing those South Carolina counties for participation in the GRADE program.

Director Rhodes talked about permitting and enforcement activities as summarized by the following.

- Annual Workshops
 - AQ Forum in the Fall
 - Compliance Workshop in the Spring
- Assigned Environmental Specialist responsible for permitting, inspection and enforcement at a facility
- ACE (Air Compliance Excellence) Awards Annual Meeting
- AirWaves Newsletter
- UNCC Environmental Assistance Center
- Annual Customer Surveys

She also talked about the ACE awards.

- Air Compliance Excellence Award Program, designed by regulated community through focus groups.
- Recognized facilities that complied with all their Air Quality permit requirements from July 1, 2013 to June 30, 2014
- The inaugural ACE Awards were issued August 15, 2014
 - Letter & certificate mailed to facility's AQ Primary
 - Copy of letter to Highest Ranking Local Official

Director Rhodes told the Committee about one of the two near-road NO2 monitoring sites that the Program installed. She said that the funding for this project was through a local grant and local dollars were not spent for this installation. NO2 and meteorological data is collected at this site.

Discussion:

AGENDA ITEM 2

Chairman Carter asked which road the site was near.

Director Rhodes said the monitoring site is located near I-77 on the southwest side of the core of the city at Remount Road. She said that the state and EPA came out and looked at the site before the project began. She showed a chart with data that showed NO2 data collected at another NO2 site in Mecklenburg County. This chart showed four months of data collected at the near-road site, which is lower than the area-wide monitor. That is expected to increase, but to nowhere near the standard.

In closing, Director Rhodes stated that air quality is a success story throughout the state including Mecklenburg County, largely due to state programs and local outreach and initiatives that contribute those extra ppb's that have allowed us to be in the position to request redesignation for the 2008 ozone standard.

Discussion:

Chairman Carter asked whether the administrative structure for the MCAQ Program was made up of Mecklenburg County and the City of Charlotte.

Director Rhodes said it was made up of both. She said they are a County Department that covers the entire county including the City of Charlotte.

Forsyth County Office of Environmental Assistance and Protection (Minor Barnette, Director)

Director Barnette began by saying that the Forsyth County local program was created in 1968 primarily to serve local big businesses and help them with their permitting needs. The program has evolved and grown over the years and was most recently reorganized in the fall of 2011 by incorporating four staff members from the Department of Public Health and merging that Section with what was formerly known as the Environmental Affairs Department, which is now called the Office of Environmental Assistance and Protection.

He said there is a seven member Board of County Commissioners which adopts any regulatory changes for the agency. They appoint a seven member Advisory Board. The Advisory Board hears any appeals of civil penalties.

He noted that the agency also has an awards program for facilities that do not receive a notice of deficiency or violation for a calendar year. They also have special environmental awards for organizations that go beyond the minimum requirements to achieve environmental improvement in the community. Director Barnette advised that the local program currently has 24 staff members. When the reorganization occurred in 2011, he paired the open burning division with the solid waste division.

He commented that in the delivery of these services and the development of these programs, it cannot be overstated the importance and value in the strong relationships that the three local programs have with each other and with DAQ. He said that the local agency knows they can get good and dependable guidance from DAQ staff and they have good open lines of communication with DAQ.

Director Barnette talked about the air quality services the program provides summarized below.

<ul style="list-style-type: none"> - Compliance assistance services - Inspections/Enforcement - Pollution dispersion modeling - Transportation planning - Asbestos - Radon - Comprehensive permitting services - Ambient air monitoring 	<ul style="list-style-type: none"> - Daily AQ forecast - http://www.forsyth.cc/EAP/dailyforecast.aspx - Pollen analysis & forecast - http://www.forsyth.cc/EAP/pollen.aspx - Triad Air Awareness - Indoor air quality/mold - Nuisance odors - Haze Cam
---	---

AGENDA ITEM 2

--	--

Director Barnette provided information on the regulated facilities.

<p><u>Permitted:</u></p> <ul style="list-style-type: none"> - 10 Title V facilities - 23 Synthetic Minor - 39 Small - 6 Exclusionary Small 	<p><u>Registered:</u></p> <ul style="list-style-type: none"> - 22 PERC Dry Cleaners - 207 Stage I Vapor Recovery - 71 Auto Body Painting (6H) - (33 MACT, 38 Exempt) - 13 Facilities (6J)/20 Boilers - 5 Metal Fab/Finishing (6X)
--	---

He provided inspections/information actions in 2014 information.

<p><u>Stationary Sources:</u></p> <ul style="list-style-type: none"> - FCEs 33 - NODs 4 - NOVs 6 (2 FRVs) - Civil Penalties 2 	<p><u>Open Burning:</u></p> <ul style="list-style-type: none"> - Complaints 88 - Warnings 12 - NOVs 3 - Civil Penalties 2 - Odor Complaints 39 - Stage I VR NOVs 26 - Dry Cleaners: - Inspections 53 - NOVs 8 - Civil Penalties 1 - Asbestos Inspections 216 - NESHAP NOVs 2 - NESHAP CP 1 - IAQ/Mold complaints 74
---	---

Director Barnette described the program's Ambient Monitoring network.

<ul style="list-style-type: none"> - 6 Monitoring Stations - (3 single pollutant) - 1 FRM CO (0) - 4 FEM Ozone (3) - 3 FRM PM2.5 (1) - 3 TEOM FEM continuous PM (1 PM10, 2 PM2.5) 	<ul style="list-style-type: none"> - 1 FRM NO, NO2, NOx - 1 FEM SO2 - 1 Met Tower - 1 URG carbon speciation monitor - 1 Met One PM speciation monitor
---	--

Discussion:

Chairman Carter asked about the mold complaints referenced on the slide.

Director Barnette explained that the intention is for people who are worried they are affected by mold to call in but in reality, most of the calls they receive are from people who are angry with their landlord for a long list of things and mold is on the list and they want the local program to come out for that. State law requires the landlord to repair a condition that contributes to mold but they don't have to abate the mold after the repair is completed. The local agency tries to give good advice on how to address the issue after the repair so that the mold doesn't come back.

Director Barnette talked about Solid Waste & Recycling.

AGENDA ITEM 2

<ul style="list-style-type: none"> - Franchise ordinances governing curbside collection services - SW Transportation Permits - Illegal dumping - Open burning - Private landfills (LCID) 	<ul style="list-style-type: none"> - Recycling convenience centers - WSFC Schools recycling program - Batteries recycling - Used cooking oil - Promote responsible, healthy, best management practices
---	---

Discussion:

Chairman Carter asked about funding sources for the Program.

Director Barnette explained that a little under a quarter of their funding comes from the two EPA Sections 103 and 105 grants. About half of their funding comes from the County General Fund. The rest comes from permit fees, state fuel tax, and the Air Awareness contract for the Outreach Program.

Director Barnette talked about an event that the agency coordinates every spring called the Triad Commute Challenge where they encourage citizens to pledge to use an alternate form of transportation at least once from April to June. In 2014, over 650 people participated resulting in preventing almost 2000 tons of air emission pollution.

In closing, Director Barnette remarked that the agency is constantly trying to develop innovative and creative ways relative to the management of the waste stream. They are the fifth largest county in the state and their recycling numbers are not very impressive and there is a lot of room for improvement.

Discussion:

Chairman Carter asked Director Rhodes about the funding for the MCAQ Program.

Director Rhodes said they are funded by two federal grants, the state gasoline tax and the local fees collected. They do not receive funds from Mecklenburg County's general fund.

Agenda Item # 6, Director's Remarks (Sheila Holman, DAQ)

Director Holman began by thanking the local directors and staff for their participation. She remarked that the DAQ and the local programs have very positive and close working relationships which makes the Air Program in NC a stronger organization overall.

1. Section 111(d) Proposed Guideline Comments

Director Holman said that on December 1, 2014, DENR submitted comments on EPA's Section 111(d) proposed guidelines for Greenhouse Gas (GHG) emissions from the sixty power plants. Those comments covered a gamut of issues including legal concerns on the statutory authority underlying the proposal as well as technical concerns with how the goal was set for NC and also some policy issues and considerations for implementation of the proposed guidelines. Those comments were submitted to the docket and have also been posted on DAQ's website. Director Homan said she could send the links to the comments to the Committee members if there is interest.

Director Holman mentioned that EPA had a press conference with the media around noon and also put out a new fact sheet on their current plans for finalizing the various Section 111 rules for GHG emissions. The EPA is basically planning to issue final rules by mid-summer on the 111(d) requirements for existing power plants and 111(b) requirements for new, modified and reconstructed power plants. The EPA also plans to propose a federal plan in mid-summer for meeting the Clean Power Plan goal for public review and comment. The purpose of proposing a federal plan would be to put the agency in a position to issue a final federal plan for meeting the overall Clean Power Plan goals in areas or states that choose not to

AGENDA ITEM 2

submit their own state plans by the deadlines. Director Holman noted that she would send the member the link to the 111(d) comments and the EPA fact sheet.

2. Cross State Air Pollution Rule (CSAPR) Update

Director Holman updated that the stay of the CSAPR was lifted and effective January 1, 2015, the CSAPR emission allocations are in place. That is operated by the Clean Air Markets Division of the EPA. They have populated the accounts of those effected facilities and those facilities have their allocations for 2015. The Clean Air Interstate Rule (CAIR) is no longer being implemented as we have now moved to the CSAPR. The State is working on one issue relative to the CSAPR and that involves sources that are not subject to the CSAPR but were previously brought in to the CAIR program for trading purposes. That would include large facilities with industrial boilers. Those facilities cannot participate in the CSAPR trading. It has to be demonstrated that they remain in compliance with the NOx SIP Call requirements. EPA has published a FAQ document. There are three different options on how to make that demonstration.

3. Vehicle Emissions Inspection/Maintenance (I/M) Program Three Year Exemption Update

Director Holman advised the Committee that the rules they passed relative to exempting the first three model years from the vehicle and Inspection/Maintenance (I/M) Program were adopted by the EMC in January 2014 and the submittal went to EPA in early February 2014. EPA proposed to approve exemption of the first three model years by suggesting a direct final action meaning that if they did not receive adverse comments, the new rule would be effective in January 2015. However, EPA did receive two comments that are determined to be adverse. EPA will be working to address comments and move forward with a final notice.

Discussion:

Chairman Carter asked Director Holman what was the nature of the adverse comments.

Director Holman answered that one comment was from the Department of Defense and pointed to an action that we were not aware of until comments were received. Region IX had approved changes to the Nevada SIP for the I/M Program relative to federal facilities. EPA, Region IV is reviewing the changes to consider whether they can take similar actions. It goes back to the issue of how the federal facilities are treated in the 1998 DOJ decision. The second set of comments was received from an anonymous submitter who raised issues about whether the submittal complied with earlier EPA modeling guidance. The DAQ is still working through those questions. Director Holman commented that it is difficult when the comments are anonymous because it is hard to reach out for clarification but the DAQ will work through this with EPA.

4. Sulfur Dioxide (SO2) Designations Update

Director Holman advised that there has been no decision yet from the Northern District of California. The Hearing was on October 28, 2014.

5. Charlotte Redesignation Request Process

Director Holman said that the DAQ is very close to having a draft of that redesignation request and will be sharing it with EPA later this month, it will go out for public comment in February and the final submittal to EPA is expected early in March.

6. Update on Air Related Mining and Energy Commission (MEC) Actions

Director Holman provided an update on air related MEC actions. She reminded that there was a petition for rulemaking filed by the Blue Ridge Environmental Defense League (BREDL) to the MEC. At the December 2014 MEC meeting, the decision was made to deny that petition. However, the MEC did reconstitute the Environmental Standards Committee (ESC) and appointed Commissioner Ferrell as chair

AGENDA ITEM 2

to take up the issue of air emissions and to determine whether there should be forthcoming recommendations back to the EMC to undertake additional regulations on air emissions.

Discussion

Mr. Ferrell noted that the ESC was established with two objectives. One is to consider the items that were raised in the BREDL petition that was denied by the MEC and also items that the Committee decided need to be pursued further to see if additional rules are needed. Secondly, the ESC will be an ongoing committee for the MEC to look at environmental issues as they arise out of the hydraulic fracturing activities. The objective would be to consider whether issues raised by the industry are being adequately addressed. Those issues could be recommended to the EMC for additional maintenance.

Chairman Carter reminded the Commission that the next meeting is scheduled for March 11, 2015. With no further comments, Chairman Carter adjourned the meeting.