

Air Quality Committee Meeting Minutes**May 7, 2014**

The Air Quality Committee (AQC) of the Environmental Management Commission (EMC) met on May 7, 2014, in the Ground Floor Hearing Room of the Archdale Building. The AQC members present were: Chairman Charles Carter, Mr. Gerard Carroll, Mr. Thomas Craven, Mr. E.O. Ferrell, and Mr. Benne Hutson. The Director and staff members of the Division of Air Quality (DAQ), Ms. Mary Lucasse of the North Carolina Attorney General's Office, and members of the general public were also in attendance. The Water Quality Committee (WQC) Chairman Steve Tedder and Commissioners David Anderson, Dan Dawson, and Dr. Albert Rubin attended, as well as the commissioner to be appointed on May 8, 2014, Dr. Lawrence Raymond.

CALL TO ORDER (Chairman Charles Carter)

Chairman Carter called the meeting to order at approximately 11:00 a.m. He noted that no one would be joining them through a webcast due to a lapse in the contract. The committee meetings on May 7, 2014 and the next day's EMC meeting would not be webcast. By the July meetings the webcast capability will be back in place. He also noted that because this was an informal informational meeting about the Clean Air Act (CAA) programs, because there were no substantive matters before the committee today, the other EMC members who were attending were invited to sit up with the AQC.

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

Chairman Carter reminded the AQC members of the State Government Ethics Act regarding conflicts of interests or appearance of conflicts of interests. No member recused himself or herself at that time.

INFORMATION ITEMS

Chairman Carter turned the meeting over to the DAQ Director, Shelia Holman. Director Holman explained the format of the agenda and introduced the presentations that would follow. She encouraged the committee to ask questions during or after the presentations.

Agenda Item #2, Overview of the Clean Air Act, National Ambient Air Quality Standards and the Air Planning Process (Sushma Masemore, Planning Section Chief, DAQ)

Ms. Masemore introduced her presentation saying that she would provide an overview of the CAA, the National Ambient Air Quality Standards, the process EPA uses to set the attainment and nonattainment areas, and the State Implementation Plan (SIP) process that states follow for those designations. She would then wrap up with a few emerging issues that not only her section but the whole division are working on. Links to her presentation and additional materials about the CAA are below:

http://www.ncair.org/Calendar/Planning/May2014AQC/Agenda_2.ppt

http://www.ncair.org/Calendar/Planning/May2014AQC/Agenda_2_1.pdf

Mr. Ferrell asked Ms. Masemore what was driving the ozone nonattainment designation for the Charlotte-Gastonia-Salisbury area (Slide 8). She answered that DAQ has concluded from the emissions inventory for that area that nitrogen oxides, 70-80 percent of which are from mobile sources, are driving the nonattainment demonstration. Chairman Carter asked for clarification on the slide, that the green areas were not part of the nonattainment area. Ms. Masemore clarified that the green areas are maintenance areas for the 1997 ozone standard. They used to be nonattainment areas.

Upon hearing that EPA had received a Notice of Intent to Sue related to their delayed action on NC's three infrastructure SIPs as well as other states' SIPs (Slide 13), Chairman Carter asked about the length of the delay. Ms. Masemore responded that EPA had the ozone SIP since 2012-2013, the nitrogen dioxide SIP since mid-2013 and the sulfur dioxide SIP since early 2014. The specific areas of the SIPs that are cited in the notice of intent are related to transport and Prevention of Significant Deterioration.

Agenda Item #3, Overview of Ambient Air Monitoring (Donnie Redmond, Ambient Monitoring Section Chief, DAQ)

Mr. Redmond introduced his presentation by stating he would talk about the current monitoring program and some issues he sees on the horizon for the program. A link to his presentation is below:

http://www.ncair.org/Calendar/Planning/May2014AQC/Agenda_3.pptx

In response to Mr. Redmond's discussion of high night time levels of ozone measured at rural mountain top monitors in the western part of the state (Slide 7), Chairman Carter asked what triggered DAQ to site the ozone monitors in the mountains. Mr. Redmond explained they were sited there in the early years when DAQ was trying to determine what was driving the ozone concentrations measured in metropolitan areas. He confirmed that the monitors were not placed there under EPA's required monitor placements. Mr. Ferrell followed up by asking how many ozone monitors there are in the state now and Mr. Redmond responded there are about 31. Director Holman added that there is an EPA requirement to site monitors to establish ozone transport, so the mountain ozone monitors are included in monitors required by EPA.

Chairman Carter asked how many large sulfur dioxide sources (electric power plants) there are that may require monitors by 2016 (Slide 12). Mr. Redmond responded that preliminarily there are up to ten; however, some may be dropped and modeling may be used for others.

Mr. Ferrell asked about the costs to run the monitoring program. Director Holman replied that DAQ knows the costs, but she did not have the figures with her. She added that the costs must factor in building and equipment replacement costs in addition to the operating costs because some of the sites have been there 20 years. DAQ is working slowly to upgrade the system. Mr. Redmond added that DAQ is always looking for ways to lower the costs such as increasing energy efficiency, collocating monitors, and transmitting the data through the web rather than phone lines.

Dr. Raymond noted that the information about ozone levels on the mountain tops was intriguing, and asked if DAQ had any idea if those high levels at night could correspond with the damage to vegetation that was observed. Mr. Redmond responded that according to the botanists it depends on the time of day

when the high ozone occurs, because the plant pores are open for uptake of ozone at certain times and closed at certain times. He believes there is some correlation, but it is not easy to draw the conclusion. Ms. Masemore had mentioned that there are secondary ozone standards for plants which indicates that there is some impact. Director Holman noted that also looking at the cumulative exposure, the mountain plant life may not see the high peaks that are experienced in the metropolitan areas, but they may see a longer period of exposure to levels that would increase their dosage above that seen in plants at lower levels.

Agenda Item #4, Overview of Air Permitting (William Willets, Permits Supervisor, DAQ)

A link to Mr. Willet's presentation is below:

http://www.ncair.org/Calendar/Planning/May2014AQC/Agenda_4.ppt

Mr. Ferrell asked how long it takes to go through the complete permit process (Slide 6). Mr. Willets responded there is a regulatory requirement to take action on a permit within 90 days for certain types of permits. For Prevention of Significant Deterioration and New Source Review Permits that time is expanded to a year. If the permit application has significant public interest it may take years to get to a final consideration of a permit application.

Mr. Craven asked how many of the violators start out with the response "I didn't know I needed a permit?" Director Holman stated that they would let Lee Daniel, the next presenter answer that question. Mr. Ferrell asked how many permit applications does DAQ receive in a year. Mr. Willets responded that for 2013 DAQ had approximately 250 Title V applications. These include all of the types mentioned. Director Holman added that usually DAQ receives about 300 Title V permit applications and 2,400 small and synthetic minor permit applications.

Mr. Hutson noted that one of the criticisms of the process under the last administration was that a facility would submit an application, receive a letter saying it was deficient and then receive another letter and another. He asked what is being done to streamline the permitting process? Mr. Willets responded that DAQ is emphasizing prompt communication with a facility early on. DAQ's Title V engineers have about 12 applications assigned to them at any time. The engineers are told to look at the applications early to get the deficiency letters out quickly. DAQ's Title V engineers talk with the regional offices because they know the facilities. When the engineers are actively working on a permit they are instructed to call the facility to keep them informed that their application is being worked on. Director Holman added that DAQ has implemented the Permit Tracking System on the website so an applicant can see where they are in the process.

Agenda Item #5, Overview of Air Quality Compliance and Enforcement (Lee Daniel, Technical Services Section Chief, DAQ)

Mr. Daniel introduced his presentation by stating he would discuss compliance and enforcement. A link to his presentation is below:

http://www.ncair.org/Calendar/Planning/May2014AQC/Agenda_5.pptx

Chairman Carter asked whether the old system of using tailpipe probes in the automobile inspection and maintenance program was completely gone (Slide 12). Mr. Daniel responded that program ended in 2006.

Director Holman repeated Mr. Craven's earlier question about how many facilities did not know they needed a permit to Mr. Daniel. He responded that less than five percent of the violations or notices of deficiencies handed out are for facilities that were operating without a permit. There were 37 enforcement actions in 2013 and most of those were for open burning. Reporting and recordkeeping violations are second most common followed by a few emission control violations.

Chairman Carter asked if the percentage of violations related to open burning would be about 80-90 percent of the total DAQ violations? Mr. Daniel agreed with that estimate.

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

Director Holman asked if there were any questions for her, thanked the presenters, and stated she hoped the members had a better understanding about how we take the requirements from the CAA and implement them throughout DAQ. If there are follow up questions, she asked that they do not hesitate to contact her. Chairman Carter noted that there may be additional questions in reference to the local programs and the Supreme Court decision last week which upheld EPA rules about interstate transport.

Chairman Carter declared the meeting adjourned at approximately 12:30 pm.