



MECKLENBURG COUNTY
- Air Quality Commission -

January 2009
SUMMARY MINUTES
OF THE
MECKLENBURG COUNTY AIR QUALITY COMMISSION

The monthly meeting of the Mecklenburg County Air Quality Commission was held Monday, January 26, 2009, in the Auditorium I & II, Hal Marshall Center, 700 N. Tryon St., Charlotte, NC.

Air Quality Commission Members Present

Mark Casper	Kris Knudsen	Keith Long	Todd Glasier	Gordon Miller
Randy Perkins	Robert Statnick	Mary Barker	Gee Barker	Tonisha Dawson

Air Quality Commission Members Absent

Ray Fuentes

Mecklenburg County Air Quality Staff Present

Don Willard	Joan Liu	Ieshishua Pierce	Leslie Rhodes	Alan Giles	Megan Green
Shannan George	Chuck Greco				

Guest

Tony Jabon, Trinity Consultant
Susan Dayton, Blue Ridge Environmental Defense League

- I. Call to Order
Chair Casper called the meeting of the Air Quality Commission (AQC) to order at 5:31 p.m. It was stated that the Administrative Hearing scheduled for 4:30 p.m. was cancelled.
- II. Approval of Minutes
Chair Casper, opened the floor for the Approval of the minutes.

Action Taken:

Motion: A motion was made to approve November's AQC minutes as written.
Made: The motion was made by Robert Statnick and seconded by Gordon Miller.
Vote: The motion was adopted unanimously.

- III. Air Quality Permit Reviews
Per Mecklenburg County Air Pollution Ordinance, Regulation 1.5213 – "Action on Application; Issuance of Permit," Mecklenburg County Air Quality's permit application approvals are placed on the agenda of the Air Quality Commission (AQC), initiating the specified public comment period. Inclusion on the AQC agenda does not imply or infer any action or opinion by the AQC or its members regarding any permit.

Mecklenburg County will comply with the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Mecklenburg County will make reasonable accommodations in all programs to enable participation by an individual with disability who meets essential eligibility requirements. Mecklenburg County programs will be available in an integrated setting for each individual. If accommodations are necessary for participation in any program or services, participants are encouraged to notify staff.

Chair Casper, opened the public comment period for the facilities below, providing notice of the Mecklenburg County Air Quality's intent to issue/modify their air quality permit(s):

A: Action Required: Open Public Comment Period

Harper Corporation of America, 11625 Steele Creek Road, Charlotte, NC
Kinder Morgan SE Terminals (Charlotte Terminal 1), 502 Tom Sadler Rd, Charlotte, NC
Rohm and Haas Chemicals, LLC, 6101 Orr Rd, Charlotte, NC
SEM Products, Inc., 651 Michael Wylie Dr., Charlotte, NC
Stork Prints America, Inc., 3001 Boxmeer Dr, Charlotte, NC

Gasoline Dispensing Facilities:

None

Transportation Facilities: Public comment period for the permits below is thirty days.

None

B: Action Required: Information Only

Trane U.S., Inc., 4500 Morris Field Dr., Charlotte, NC

Gasoline Dispensing Facilities:

None

Transportation Facilities:

None

Notification:

None

C: Action Required: Alternative Notice

None

Transportation Facilities

None

Joan Liu, Air Quality Program Manager, was available to answer questions.

IV. Announcements

Chair Casper opened the floor to receive announcements. Chair Casper provided the AQC members a brief update on the Committee of 21. It was stated that funds have been established for four areas all needing voters approval. Chair Casper will keep the AQC member updated.

V. Air Quality Update

Don Willard, Director of Mecklenburg County Air Quality, was called upon to give Air Quality updates. The AQC members were given several handouts that discuss the State Implementation Plan (SIP) for demonstrating attainment of the 8-hour national ambient air quality standard for ozone in the bi-state Charlotte nonattainment area from the US Environmental Protection Agency (EPA) and NC Department of Environment and Natural Resources (NCDENR). There were also handouts given out that discuss the NC Division of Air Quality presentation on the 2008 8-hour ozone standard designation schedule & boundary recommendations and FY 2008-2009 Mecklenburg County Air Quality Programs.

The EPA letter to NCDENR stated that the EPA has not taken formal action to approve or disapprove the SIP. The EPA believes that attainment will not be achieved by the required moderate area deadline and that the area will not meet the requirement for a one-year extension. Based on this information the EPA sees no alternative to proposing disapproval of the SIP's attainment demonstration. The EPA asks NCDENR to consider making a request to reclassify the North Carolina portion of the bi-state Charlotte Nonattainment area to a higher classification which allow for a new attainment date for the area.

NCDENR responded to EPA's letter on December 19, 2008 asking the EPA to return the attainment demonstration originally submitted on June 15, 2007. The State would like improve the demonstration and submit an updated plan. The State understands that the withdrawal of the attainment demonstration will result in North Carolina receiving a letter of finding of failure to submit a plan. This will result in an eighteen month sanction clock beginning as well as a twenty-four month Federal Implementation Plan (FIP) clock. NCDENR is planning to submit a revised attainment demonstration for the Metrolina region by November 2009, which would stop both the sanction and the FIP clocks. If at some point during 2009 ozone season the monitoring data shows that the Metrolina area is not eligible for a one year extension of the attainment date. North Carolina will consider submitting a request to reclassify to Serious instead of waiting for the mandatory reclassification from EPA.

The AQC members were informed that the Mecklenburg County Board of County Commissioners (BOCC) voted five to four against the legislative request for the levy of a vehicle registration fee. It was stated that the vehicle registration fee has another chance of being approved if the BOCC recommend the Committee of 21 report to the legislative delegation. MCAQ staff is planning to submit a betterment/change order request addition funding to the BOCC for the FY10 budget.

It was suggested that a follow up letter be sent to the County Manager and the BOCC concerning the legislative request and the ozone SIP update.

Action Taken:

Motion: A motion was made for Chair Casper to draft a letter to be sent to the County Manager and the BOCC concerning the staff's legislative request and the ozone SIP update.

Made: The motion was made by Mary Barker and seconded by Gordon Miller.

Vote: The motion was adopted unanimously.

Chair Casper will draft the letter and send to the AQC members for review.

The AQC members were informed of the ozone SIP status and NCDAQ recommendation of the geographical boundaries. The North Carolina's proposed boundary map includes the following counties: Lincoln, Gaston, Mecklenburg, Union, Cabarrus, Rowan, and part of Iredell. The EPA's presumptive boundary map includes the following counties: Cleveland, Lincoln, Gaston, Mecklenburg, Union, Anson, Stanly, Cabarrus, Rowan, and Iredell. There was a lengthy discussion concerning these topics. It was stated that NCDAQ was currently holding public hearings across the State. The State recommendation is due March 12, 2009 and the EPA will set Nonattainment boundaries on March 12, 2010.

Leslie Rhodes, Mobile Source Program Manager, provided the AQC members with an update on the GRADE project. It was stated that the deadline for GRADE applications were due December 31, 2008. MCAQ received 40 applications for the project with an estimated a total funding request of \$670,000. If all projects were funded they would have a total NO_x reduction of 220 tons over the lifetime of the program, which would be five to seven years. MCAQ staff will offer contracts at the end of February.

The AQC members were also given a status update on Clean Air Works (CAW). The contract with URS was up the end of 2008. The Regional Air Quality Board will meet in February to discuss continuing the program. The County submitted a request for CMAQ funds that was approved for \$160,000. The NC Transportation board has to approve the funding. The funds will not be available until 2010.

The AQC were informed that there was a request for public comment concerning BMWNC. MCAQ staff provided the AQC members a handout that provided some background information on the facility.

[Written handouts: USEPA letter dated Nov. 17, 2008; NCDENR letter dated Dec. 19, 2008; USEPA letter dated Jan. 9, 2009; FY 2008-2009 Mecklenburg County Air Quality Programs; 2008 8-hour Ozone Standard Designation Schedule]

VI. Public Comment

Chair Casper opened the floor for public comment. Susan Dayton, Blue Ridge Environmental Defense League, was called upon to speak

Ms. Susan Dayton, of the Blue Ridge Environmental Defense League (BREDL) made comments regarding BMWNC. She informed the AQC members that BREDL works with the community living around the facility. She presented a listed of issues concerning the facility. She requested a public hearing for the permit issuance in March as well as a 60 day comment period. Ms. Dayton was informed that BMWNC is in the process of renewing their Title V permit by

submitting a Title V permit renewal application along with a stack test report. She was informed that once BMWNC application **review** was complete the draft permit would be published in the newspaper which will include a 30 day public comment period. At that time a public hearing can be requested. Ms. Dayton will communicate with MCAQ staff to get an update on BMWNC title V permit renewal.

VII. Other Business
None

VIII. Next Meeting
February 23, 2009

Adjournment
6:50 p.m.