

ENVIRONMENTAL MANAGEMENT COMMISSION
AIR QUALITY COMMITTEE MEETING SUMMARY
January 12, 2022
Cisco's Webex Teleconferencing Service
9:00 – 10:15 A.M.



MEETING BRIEF

During the January 12, 2022 meeting, the Air Quality Committee (AQC) of the Environmental Management Commission (EMC) heard:

- Informational Item: Air Quality Section Chiefs - Program Updates

AQC MEMBERS IN ATTENDANCE	
Ms. Shannon M. Arata, AQC Chair	Ms. Marion Deerhake
Mr. Charlie S. Carter, AQC Vice-Chair	Dr. Suzanne Lazorick
Ms. Yvonne Bailey	Ms. Maggie C. Monast
Ms. Donna Davis	

OTHERS IN ATTENDANCE	
Mr. Steve P. Keen, EMC	Mr. Mike Abraczinskas, DAQ Director
Ms. Pat Harris, EMC	Mr. Randy Strait, DAQ Planning Chief
Mr. Chris Duggan, EMC	DEQ Staff
Mr. Phillip Reynolds, EMC Counsel	Members of the public
Mr. John McAdams	

PRELIMINARY MATTERS

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

AQC Chair Arata called the meeting to order and inquired, per General Statute §138A-15, as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the EMC's AQC. None stated.

Agenda Item I-2, Review and Approval of the September 8, 2021 Meeting Minutes

Chair Arata requested approval of the September 8, 2021 Meeting Minutes. **Commissioner Davis** made the motion and **Commissioner Lazorick** seconded the motion. The minutes were approved without objection.

RULEMAKING CONCEPTS

None.

ACTION ITEMS

None

INFORMATIONAL ITEMS

Agenda Item V-1, Air Quality Section Chiefs – Program Updates

Each of the four DAQ Section Chiefs provided a brief overview of the tasks, responsibilities, and current work of their respective sections, with discussion following each presentation.

Ambient Monitoring Section Chief – Patrick Butler

Description:

Mr. Butler provided an overview of the Ambient Monitoring Section (AMS) organization and operations. The DAQ operates 38 monitoring sites with shelters around the state and recently began contracting with RTI for weighing the gravimetric PM_{2.5} filter samples upon shut down of the in-house gravimetric laboratory. The AMS completed several federal requirements in 2021, held a virtual Ambient Monitoring Workshop, and continues to collect rainwater at five sites near Chemours and seven regional background sites across the state. The NC Division of Water Resources (DWR) conducts the PFAS analysis. Additionally, the state's monitoring network continues to be impacted by tropical storms, including six named storms in the last six years. The H₂S monitors at the Waxhaw site in Union County and Ballantyne site in Mecklenburg County are experiencing some disruptions, but the previously collected data is posted on the website and well below 70 parts per billion (ppb), the acute Minimal Risk Level (MRL) established by the Center for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry (ASTDR). The AMS analyzes weekly canister samples from the Huntersville site in relation to the Colonial Pipeline spill and provides the results to Mecklenburg County Air Quality (MCAQ). Upcoming projects of interest include a new eSIMS system for equipment inventory tracking and QA documentation storage, EPA's 2022 technical systems audit (TSA) in May, and testing of the new sensor collocation shelter [*Note: since this presentation, the TSA that was scheduled to occur in May has been postponed, with the new date not yet determined*]. The AMS also maintains dozens of supporting SOPs and several Quality Assurance Project Plans (QAPPs), some of which are currently under review at EPA Region 4.

Discussion:

Commissioner Bailey asked how the Section deals with complaints about odor, such as that from a menhaden fish processing plant. Mr. Butler responded that the regional offices respond to citizen complaints, use techniques such as odor logs, and pinpoint with the facility what might have occurred during the complaint. Through review of procedures and operations at the time of the complaint, DAQ can often identify a possible cause. Sometimes the AMS faces staffing and resource-related challenges in conducting these studies.

Commissioner Deerhake asked if trained individuals or technology is being used to investigate odor complaints. Mr. Butler responded that the DAQ relies heavily on staff to conduct odor evaluations and

available technologies depend on the specific odor and odor thresholds. The meters for the New Indy study were not designed to run 24 hours a day, but staff were inventive in adopting the equipment for continuous operation. H₂S monitoring equipment is available, but very expensive and dependent upon onsite location and access to power. **Commissioner Deerhake** asked if there are two H₂S monitors in the state and if RTI is speciating the PM_{2.5} filter results. Mr. Butler confirmed that the State began the New Indy study with two 15-year-old Jerome meters, both of which have since stopped working. RTI is only weighing and not speciating, but DAQ can speciate through another EPA outsource. **Commissioner Deerhake** commented about her continued interest in ammonia emissions and speciated ammonium particulates in the PM filters, specifically those around animal operations, for both deposition and PM formation.

Permitting Section Chief – Mark Cuilla

Mr. Mark Cuilla, Permitting Section Chief, provided an overview of the permit application trends, the Title V program review, staffing, permit review timelines, and environmental justice (EJ). Graphics illustrated the current facility counts, application receipt and close-out trends, and the current breakdown of application types. Currently, the Permitting Section has an average of 10.5 applications per engineer. In their ongoing review of the State's Title V program, EPA commended the DAQ's experienced staff and well-written permits while also noting the backlog of Title V renewals past the 18-month statutory requirement for permit issuance, which DAQ is working to resolve. Amongst other recommendations, EPA also identified the need to address the delay in the passage of the amended Title V fee schedule, which has since become effective, and needed revisions to the Title V rules that are now underway. The DAQ is making headway on the 17 backlogged applications identified by EPA. In addition to the public participation rule requirements, the DAQ operates under the Public Participation Plan and Limited English Proficiency (LEP) policy as part of the Secretary's EJ program. It is important to note that the EJ review is demographic in nature, only to identify the additional public engagement that should be undertaken but does not comment on the technical aspects of the project.

Discussion:

Commissioner Bailey asked if an EJ review might result in a facility relocating stacks or other equipment at the plant due to proximity to residential communities. Mr. Cuilla stated that level of detail is not in the EJ report, but mostly handled through models submitted through the toxics program or at the PSD level. Rarely does the EJ component cause a facility to move within its own boundaries. **Commissioner Bailey** asked what types of changes might result from the EJ review. Mr. Cuilla responded that the EJ analysis identifies the types of communities, sensitive populations, and demographics within a certain radius of the facility, to provide recommendations to the Divisions regarding the outreach they should conduct to reach those sensitive populations.

Commissioner Deerhake asked if a health statistics review is performed as part of the EJ analysis. Mr. Michael Pjetraj, DAQ Deputy Director, responded that the EJ dashboard does include health data; however, most of the data pertains to the socioeconomic status of individuals, to identify LEP and other means of communication with communities. DAQ provides project information to any sensitive receptors in the area so that they are informed and can provide input as necessary. While the health information is available, it is not a crucial portion of the EJ report. **Commissioner Deerhake** commented that the outreach is important for noticing of new facilities or changes in facilities, but the EJ role should continue throughout the permitting process in anticipating the potential health outcomes. Mr. Pjetraj stated that at this time, EJ is used primarily for outreach, while the Permitting program aims to ensure NAAQS compliance for every facility.

Commissioner Lazorick asked about the timeline for addressing EPA's suggestions for improvement in the Title V program, and for additional expansion on the Salary Administration Plan. Mr. Cuilla stated that many of the recommendations did not have timelines on them, such as ones that required rulemaking. Many of the suggestions are already in the process of being implemented through the permit shell or permitting process. Director Abraczinskas stated that EPA liked DAQ's salary administration plan but disliked that it cannot be funded. The salary administration plan was formed to address equities, retention, and upcoming retirements, so the DAQ will continue to work through these challenges. **Commissioner Lazorick** questioned whether there is any role the EMC has in revisiting the salary administration plan to address EPA's concern. Director Abraczinskas responded that DAQ will keep the EMC apprised of the progress on this matter, with a goal of addressing the revenue stream in 2022.

Chair Arata asked how the DAQ has assessed LEP levels during the pandemic with staff on the ground less frequently. Mr. Cuilla responded that the EJ process is conducted at the Department level and therefore cannot provide much comment, but believes some visits were conducted. Mr. Pjetraj confirmed, stating that LEP is determined primarily through census data, and the EJ team has made some field visits following all appropriate safety measures.

Technical Services Section Chief – Steve Hall

Mr. Steve Hall, Technical Services Section Chief, provided an overview of the organization, staff, and various responsibilities of the Section. The Volkswagen Settlement Phase 2 Mitigation Plan was just finalized after addressing public comments received during the comment period. North Carolina is entering the last phase of funding through the VW Settlement, about 68 million dollars to invest in various eligible grant projects from 2022-2024. The Request for Proposals will be split out in Phase 2, so that outreach can be targeted to potential grant applicants along the way, and the DAQ plans to conduct outreach to historically under resourced counties. COVID-19 has impacted the number and nature of compliance inspections over the last couple of years. Full compliance evaluations (FCEs) dropped during Federal Fiscal Year (FFY) 2020 but rose in FFY2021, while partial compliance evaluations (PCEs) have followed the opposite trajectory. The Section also determines best methods for measuring and tracking GenX air emissions and provides technical support throughout the Division and online staff training. A new Laserfiche digital document repository is expected to launch soon, and a new grant management system has been created to streamline the mobile source grants application process.

Discussion:

Commissioner Deerhake requested, when staff has enough information, an update on recent federal legislation dealing with automobile emissions from a greenhouse gas perspective as well as the new funding that is supposed to lead to installation charging stations around the nation.

Commissioner Monast provided thanks for the information regarding the Volkswagen school bus replacements.

Planning Section Chief – Randy Strait

Mr. Randy Strait, Planning Section Chief, provided an overview of the organization and responsibilities of the Planning Section. The primary goal of the Section is maintaining compliance with the NAAQS, which has been continuously achieved for over 6 years. Statewide ozone monitor design values of ozone are less than 65 ppb, and Charlotte area design values are at 66 ppb, both of which are below the 2015 ozone standard of 70 ppb. The Section is also working on an update to the Greenhouse Gas Inventory to cover the

period 1990-2030, and update methodology for carbon sinks, historical emissions through 2018, and on-road mobile emissions in the inventory. The public comment period and hearing have been completed for Round 2 of the Regional Haze SIP, with a final goal of submitting to EPA by February 2022. The Planning Section is also working on numerous SIP activities and coordinating with other agencies on the medium and heavy duty (MHD) zero emission vehicles (ZEV) memorandum of understanding (MOU). The NOx SIP Call rules and Title V Rule revisions are anticipated to return to the EMC for final action in March and May, respectively. Potential future rulemaking concepts include revisions to allow electronic submittal of documents, cleanup of errors introduced during the rule readoption process, and revisions to Rule 02D .0516.

Discussion:

Commissioner Deerhake noted that it would be useful to hear more about Executive Order 246 since the EMC was not informed about it from the Department directly. She was also surprised to see Lee County removed from the inspection program given its proximity to the Triangle, and recently visited Swanquarter, the easternmost Class I PSD area in North Carolina.

Agenda Item V-2, Director's Remarks (Mike Abraczinskas, DAQ)

The Director thanked the Commissioners, Section Chiefs, and staff statewide for their work, and provided an update on the Division's staffing resources. The DAQ currently has 26 vacancies and expects several retirements in the next couple of months. One of the main goals for 2022 is advancing efforts to stabilize funding and employ strategies to build depth in critical areas.

CLOSING REMARKS AND MEETING ADJOURNMENT

Chair Arata noted the next meeting of the AQC is scheduled for March 9, 2022, and adjourned the meeting.