

**ENVIRONMENTAL MANAGEMENT COMMISSION
AIR QUALITY COMMITTEE MEETING SUMMARY
November 7, 2018
Archdale Building-Ground Floor Hearing Room
10:30 AM - 12:30 PM**

MEETING BRIEF

During their November 7, 2018 meeting, the Air Quality Committee (AQC) of the Environmental Management Commission (EMC):

- The AQC recommended that the DAQ withdraw the temporary rulemaking proposal and focus on a permanent rulemaking procedure to add methyl bromide to the North Carolina toxic air pollutant (TAP) list with full SAB involvement.

AQC MEMBERS IN ATTENDANCE

Dr. Stan Meiburg, Chairman of AQC;
Mr. Charles S. Carter, Vice Chair of AQC;
Mr. Gerard “Jerry” Carroll, Vice Chair of CP Group I;
Ms. Marion Deerhake;
Dr. Suzanne Lazorick; and
Mr. George H. Pettus;

OTHERS IN ATTENDANCE

Mr. Shannon M. Arata, Commissioner on EMC;
Mr. Steve Keen, Vice Chair of GWWMC;
Mr. William “Bill” Puette, Chair of GWWC;
Dr. Albert R. Rubin, Chair of WQC;
Mr. John D. “JD” Solomon, Chair of EMC and Ex officio member of ALL committees;
Mr. Philip Reynolds, EMC Counsel;
Ms. Sushma Masemore, Deputy Assistant Secretary for Environment, and Air Quality Planning Section Chief
Mr. Mike Abraczinskas, Director for the Division of Air Quality;
Mr. Michael Pjetraj, Deputy Director for the Division of Air Quality;
Dr. Sandy Mort, Environmental Toxicologist for the NCDEQ;
DAQ Staff; and
Members of the public

PRELIMINARY ITEMS

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

Chairman Meiburg called the meeting to order and inquired, per General Statute §138A-15(e), as to whether any committee 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.

Agenda Item #2, Review and Approval of the October 9, 2018 Meeting Minutes

Chairman Meiburg commended the staff for completing such detailed minutes in a timely manner. He then noted there were typos in the minutes and inquired if any members wish to note any specific changes or corrections. Gerald Carroll pointed out that page 9, line six contained the error for “proceeds” to be replaced with “proceed.” Similarly, the phrase “forbidden by” should be “forbidden from” in the minutes. Lastly Chairman Meiburg noted the number “26” should reference “counties” not “states” among other typos to be

corrected after further editing. Chairman Meiburg asked for a motion to approve the October 9, 2018 minutes with a proviso to correct the typos. Commissioner Lazorick made a motion to approve the minutes and Commissioner Carroll seconded. The October minutes were unanimously approved with the proviso.

RULEMAKING CONCEPTS

None.

DRAFT RULES

Agenda Item 4, Request Recommendation to Waive 30-day Rule and Request Approval to Proceed to Public Hearing on Proposed Temporary Rule Adoption on Control of Emissions from Log Fumigation, 15A NCAC 02D .0546 (Michael Abraczinskas, DAQ)

Description:

Committee Chairman Stan Meiburg and DAQ Director Michael Abraczinskas, explained a slight change in the agenda item in that a waiver of the 30-day rule would not be sought at this time. The reason is the Secretaries' Science Advisory Board (SAB) wanted the DAQ to follow-up on a few questions at their December meeting. Director Abraczinskas explained that while the SAB had reviewed and affirmed all of the information related to inhalation risks associated with methyl bromide, the proper path would be to allow the follow up with the SAB to occur in December, prior to requesting the EMC to proceed to public notice and hearing.

Director Abraczinskas began the presentation of the materials with a review of the background information shared with the Committee previously. He stated that China and India are driving strong market demand for southern yellow pine logs. Their importation specifications require the logs to be quarantined, fumigated with methyl bromide or debarked to control wood-boring pests, and ultimately shipped from a port. Due to the strict export specifications and strong market demand, North Carolina is currently experiencing an increase in permit applications and inquiries from entities interested in methyl bromide whole log fumigation. Some of the entities are conceptualizing larger log fumigation operations that would have the potential to trigger the "major source" thresholds pursuant to air quality permitting rules.

Director Abraczinskas stated that there are two primary methods to fumigate logs: container fumigation and bulk fumigation. The container-based fumigation process requires the placement of whole logs in a shipping container where the doors are closed, and a fumigant is injected inside to dwell for 60 to 72 hours. Afterwards, the container doors are opened, and the fumigant is vented to the atmosphere. This process encapsulates the majority of fumigation operations in North Carolina. Similarly, the bulk log fumigation process requires the placement of whole bulk log stacks under a tarpaulin covering where the fumigant is injected inside to dwell for a period of time. Afterwards, the fumigant is either fanned to the atmosphere or the tarpaulin covering is removed.

Director Abraczinskas added that the Montreal Protocol banned most uses of methyl bromide due to its ozone depleting properties; however, import/export quarantine treatments have a critical use exemption. North Carolina has five permitted synthetic minor log fumigation facilities utilizing methyl bromide in Wayne, Bladen, New Hanover, and Columbus counties. Of these permitted synthetic minor facilities, there are no additional requirements other than a 9.9 ton per year emission limit and the reporting of methyl bromide usage. He noted that 100 percent of the methyl bromide usage was assumed to be emitted to the atmosphere.

The DAQ is concerned about the potential for chronic (long-term) and acute (short-term) exposures to the general public since methyl bromide is a hazardous air pollutant pursuant to Section 112 of the Clean Air Act.

Methyl bromide is highly toxic and human studies suggest the lungs may be severely injured by acute inhalation exposures. Acute and chronic inhalation of methyl bromide can lead to deleterious neurological effects in humans. Currently, there are no federal or state air quality regulations to protect the public from these emissions. Also, unlike many agricultural uses, log fumigation facilities are more of an industrial point source where large quantities of methyl bromide are used. The current chronic reference concentration of methyl bromide for inhalation according to the Environmental Protection Agency's (EPA) Integrated Risk Information System (IRIS) database's comprehensive review is $5\mu\text{g}/\text{m}^3$ (approximately 1 part per billion). Therefore, the DAQ proposes to add methyl bromide to the toxic air pollutant list, 15A NCAC 02D .1104, with EPA's chronic reference concentration of $5\mu\text{g}/\text{m}^3$ ($0.005\text{ mg}/\text{m}^3$) as the 24-hour acceptable ambient level (AAL).

Dr. Sandy Mort, an Environmental Toxicologist for the DEQ, presented technical information leading to the development of the proposed AAL for methyl bromide. The EPA's IRIS program and the Center for Disease Control's (CDC) Agency for Toxic Substances and Disease Registry (ATSDR) contain a couple synonymous terms for methyl bromide: bromomethane and monobromomethane. This compound is a broad-spectrum fumigant that is utilized to exterminate rodents, insects, and fungi. It is also important to note that methyl bromide possesses degradation properties that have the potential to persist for 11 months in the air, while containing solubility properties that make it extremely soluble in water ($15\text{ g}/\text{L}$). One of the critical aspects of methyl bromide is that it is a colorless and odorless gas that can be quickly distributed throughout the body via inhalation exposures, with the potential for delayed onset of symptoms.

The major elimination routes include the lungs for methyl bromide, while the urine of an affected individual can possess the metabolites. The elimination half-life is typically 15 to 30 minutes for methyl bromide, while its metabolites can take between 2 to 10 hours. In general, there's a slower release from some organs, including the brain and liver, which can take up to 72 hours according to scientific literature. Methyl bromide may also cross the blood-brain barrier and has the potential to have different sensitivities based on certain gender and genetic factors. The documented effects of low-level methyl bromide exposures indicate that an affected individual may have a delayed onset of headaches, nausea, and weakness, while those with high-level exposures have lung irritation, edema, olfactory epithelium degeneration, tremors, kidney damage, liver damage, and nerve damage.

Documented human health effects of methyl bromide are predominately from occupational exposures to generally healthy adult workers. Therefore, there's a need to rely on laboratory animal studies since there's no direct correlation for dose/response concentrations at which the effects are elicited. Since the IRIS publication was released in 1992, there are more recent compilations of human health data including a Provisional Peer Reviewed Toxicity Value (PPRTV) that was released in 2007. The PPRTV addresses a couple of studies that have identified the occurrence of a Glutathione Phase II conjugating enzyme system within segments of the human population. Those in the population with this particular enzyme system have increased sensitivity and severity to neurotoxic effects. It is important to note that rodents do not have this particular enzyme system, and the reference concentrations developed from the rodent studies do not account for the enzyme sensitivity. There are indicators of developmental and reproductive effects in animal studies, including effects to material subjects, offspring deficits of embryonic development, and to the second generation. Also, reduced body weight may be an indicator of systematic effects.

The DAQ is proposing to utilize the IRIS reference concentration as the basis of the AAL. The chronic reference dose concentration is $0.005\text{ mg}/\text{m}^3$ or 1.3 parts per billion by volume. This value is based on a 29-month rat laboratory study with inhalation exposures. The critical effect was identified as degenerative and proliferative lesions of the olfactory epithelium. Adverse effects were observed at all concentrations; however, the lowest observed adverse effect level was converted to a human equivalent concentration of $2.08\text{ mg}/\text{m}^3$.

The most current toxicological reviews collected from the ATSDR dated April 2018 is in draft form. It was available on their website in July for the public review process. The ATSDR calculated a chronic inhalation minimal risk level (MRL) to be 0.0039 mg/m³, while the intermediate inhalation MRL was calculated to be 0.078 mg/m³. While these values are not identical to EPA's reference concentration, they are similar and provide screening levels for further investigation.

In conclusion, the DAQ is proposing that the IRIS chronic inhalation reference dose concentration serve as the basis of the AAL. It is the most scientifically defensible health-based value for protection of public health and was developed to be protective of the general population. The DAQ is also proposing to utilize a 24-hour averaging time which is protective of rapid uptake/distribution to target tissues and is preventative of acute and sub-chronic exposures with potential for adverse health-effects.

Michael Pjetraj, Deputy Director for the Division of Air Quality, presented information regarding the control technologies available for methyl bromide capture and/or treatment on existing and future permitted sites for methyl bromide fumigation. He stated that the DAQ has communicated with three vendors of the control technology. Mebrom markets a thermal destruction control device coupled with catalytic oxidation and a scrubbing mechanism. Value Recovery and Nordiko sell a carbon adsorption-scrubber system. Deputy Director Pjetraj added that the Mebrom system is being used in Australia and one of the proposed permittees is planning on bringing one of these systems to North Carolina for testing. He added that the cost per container for the Mebrom system was estimated to be \$10-12 per container not including the licensing agreement. The Value Recovery system was estimated to add \$270 per container, and the Nordiko system was estimated to add \$38-270 per container depending on the method of disposal of the used carbon. Commissioner asked if any of these technologies were being used in any of the neighboring states. Deputy Director Pjetraj stated that the Value Recovery system is being used in California and Florida for produce fumigation operations. He added that the Nordiko system is being used for log fumigation in Australia, Indonesia, and Central America.

Discussion:

During the background presentation Chairman Meiburg raised the point regarding the hollow permit nature of the current regulation in North Carolina for methyl Bromide given the permittees simply report their tonnage of fumigation usage. EMC Chairman Solomon followed this with a question regarding the two known violations under the current permits. Chairman Meiburg and Counselor Reynolds discussed whether this information should be shared during a public committee meeting. Director Abraczinskas provided clarity to the matter, explaining the two facilities received formal action notice as a matter of public record. Commissioner Deerpake questioned the impetus of why industry would submit five new facility permit requests. Director Abraczinskas responded that five permits were received, but one withdrawn. He continued to explain the difficulty in predicting the market trajectory for log exportation and outlined certain constraints for this commodity, such as North Carolina's history of sustainable forestry, the recent storm events, and tariffs imposed between China and the United States. Commissioner Deerpake requested an analysis of the market potential of this commodity. Director Abraczinskas responded that the staff at DAQ are working on the analyses for the permanent rule.

Chairman Meiburg raised the issue of whether methyl bromide contains an odorant to alert public citizens to the danger. Dr. Mort stated that she does not have the information at hand to directly respond to this question, but Director Abraczinskas added that fumigation requires 100 percent methyl bromide, therefore precluding the possibility of an odorant. In this same discussion Commissioner Deerpake asked about the nature of this air pollutant in relation to water quality concerns such as velocity and depositional rates. Dr. Mort offered to research this water quality impact and report back to the commission.

Commissioner Carroll asked Dr. Mort how the level of exposure of methyl bromide from scientific studies compares to human exposures. Dr. Mort responded that scientific studies are tightly controlled and the animal are exposed to concentrations high enough to cause an adverse effect. From this data, the concentration levels that can be considered safe are then determined. These safe concentrations are scaled to a human equivalent concentration using scientific factors. Chairman Meiburg stated this methodology is commonly known as the “no adverse effect level” and is often used in rulemaking. Commissioner Carroll believed that the worst exposures are to the employees at the fumigation facility. Dr. Mort added that this rulemaking was for protecting people outside the fence line of the facility. EMC Chairman Solomon stated that this methodology has some degree of subjectivity and that the adverse concentration in humans is calculated using formulas and equations. Dr. Mort responded that the scientists were exposing the animals in a controlled environment to identify the lowest concentration in which we see an adverse effect. Safety factors are then applied to this concentration to be protective of humans.

EMC Chairman Solomon noted in the toxicology report that the adverse effect was for lesions and not cancer or neurological effects. Dr. Mort confirmed that conclusion, but noted that the lesions were in the olfactory system and was the most sensitive effect. She added that at higher concentrations you get neurotoxic effects. The reference concentration in the study is a non-cancer effect, but there is adequate information to calculate a cancer potency concentration. Commissioner Carter asked what was the source for the 24-hour reference. Dr. Mort stated that this was the most appropriate averaging period for monitoring concentrations at the fence line based on the toxicology information. Commissioner Carter pointed out that the report states that the reference dose is based on the effects during a lifetime. Dr. Mort responded that the DEQ is concerned with daily exposure of methyl bromide which is a stable compound and is rapidly absorbed by the human body. She added that this compound can have toxic effects during the 24-hour time period. Commissioner Deerhake asked if any research was done for occupational exposures. Dr. Mort stated that the occupational values were much higher than the EPA value. Commissioner Carter stated that he has not experienced the proposal of an AAL without a full review from the SAB and asked Commissioner Deerhake if she has experience with these type of proposals. Commissioner Deerhake stated that in the past the SAB would provide a single value, but over time the SAB has recommended ranges of values in which the commission then chooses the specific value for an AAL. Commissioner Carter stated that he believes that this rulemaking is omitting the SAB review process.

This led to a discussion regarding the SAB’s involvement in developing the proposed AAL for consideration by the commission. Commissioners Deerhake, Carter and EMC Chairman Solomon questioned if all 16 members of the SAB reviewed the submission. Dr. Mort responded that all members of the SAB reviewed the submission and responded in writing backing the proposed level and averaging time for the temporary rule action. Dr. Mort added that teams of scientists from IRIS provided this value for protection of the general public.

EMC Chairman Solomon had concerns with relying on the single 1992 rat study as the foundational statistical analytics used for the AAL development. Dr. Mort pointed out the rigorous nature of the study that involved multiple exposure trials endorsed through continual ongoing confirmation by the scientific community evidenced by reliance on this foundational study by researchers which followed.

Director Abraczinskas returned to the lectern to answer questions from committee members. He began by explaining the use of averaging times for the air toxics rules, where carcinogens utilize an annual time and non-carcinogens utilize a 24-hour time. He noted that this same presentation was given to the SAB in October and the SAB affirmed that the IRIS reference dose concentration for methyl bromide is an appropriate AAL for the temporary rule. Commissioner Carter asked when the final SAB review process would be complete. Director Abraczinskas responded that the DAQ plans to meet with the SAB in December to respond to questions by the board members, however the SAB has already officially reviewed and affirmed the proposed AAL.

Commissioner Carter asked if the SAB provided a document with this approval. Director Abraczinskas stated that the DAQ does not have an official report, but would provide one at the January meeting. Director Abraczinskas provided some information that was requested at the August meeting. He provided some modeling results from four of the existing facilities using the current emission rates obtained from permits and facility reports. He presented modeling results from two scenarios: one using the average monthly methyl bromide emissions from the facilities and the other assuming one container per day methyl bromide release. The results from both scenarios were modeled uncontrolled with and without an exhaust stack. EMC Chairman Solomon asked if the facilities were involved in providing data for the model. Director Abraczinskas responded that the emissions data was obtained from monthly reports and the results were shared with the facilities. The DAQ asked for comment and feedback on the assumptions used for the modeling, but has not received any response from the facilities or the fumigation company. Commissioner Pettus asked if Royal Pest performed fumigation at all of the facilities and if they were the permittee. Director Abraczinskas responded that Royal Pest was not the permittee for every facility, however, they do perform the fumigation for all of the facilities. Commissioner Carroll asked for clarification on the modeling summaries provided in the presentation. Director Abraczinskas stated that the summaries provide the methyl bromide concentration at the fenceline based on the emissions from the scenarios. He also added that the purpose of the stack is for dispersion of the emissions and currently only one facility is equipped with a stack. Commissioner Carter asked if the DAQ has collected any ambient data to compare with the modeling results. Director Abraczinskas stated that Deputy Director Pjetraj would address this question in his presentation. Chairman Meiburg pointed out that the modeling results show that facilities with higher property acreages tend to have the lower fenceline concentrations. Director Abraczinskas stated that the size of the facility property is one of the factors that facilities can use to meet the fenceline concentration. Director Abraczinskas also pointed out that the fenceline concentration results in the tables represent the 24-hr average concentration for each of the facilities. Commissioner Deerhake asked if these log fumigation facilities operate with more than one container onsite. Director Abraczinskas stated that these facilities operate with multiple containers onsite and the fenceline concentration summary is the result of a modeling exercise to show the impacts of a single container. To address a question from the August meeting regarding the distance from the log fumigation operations to the public, Director Abraczinskas provided some aerial photos of the facilities. The aerial photos provide distances from the log fumigation area to the nearest occupied dwelling. The distances ranged from 220 to 621 feet. EMC Chairman Solomon pointed out that one of the aerial photos showed a water treatment plant close to the log fumigation facility.

Commissioner Keen asked what was the cost to facility for controlling methyl bromide. Deputy Director Pjetraj stated that the proposed rule is based on a AAL at the fenceline of the property. Depending on the size of the facility property, the number of containers that are fumigated, and the amount of fumigant per container that is used, the facility may need to also add control technology. Commissioner Carroll asked how much the logs in a container are worth. Deputy Director Pjetraj responded that the value of the wood inside each container is approximately \$2,000 to \$10,000 depending on the species of wood. Commissioner Carter asked if there was any ambient data available from these facilities. Deputy Director Pjetraj responded that the DAQ has not collected any ambient data from the fenceline for any of the facilities. The DAQ did rent a handheld device to measure various volatile organic compounds during the fumigation process. He noted that New Jersey had done modeling and ambient measurements and they found that there was a very good correlation between the modeling results and the ambient measurements. Commissioner Arata asked if the facilities could meet the AAL using the technologies that were presented. Deputy Director Pjetraj responded that the carbon adsorption technologies could achieve 90+ percent control of methyl bromide and the thermal destruction system could achieve 99 percent reduction. Commissioner Carroll asked if any other state adopted an AAL for methyl bromide. Deputy Director Pjetraj stated there was a table in the package that provided a summary of the AALs for other states. EMC Chairman Solomon asked if the DAQ has reviewed any of the studies from the control device vendors and Commissioner Carter expressed concerns over the price of control technologies and their

negative effects on the permitted operator. Deputy Director Pjetraj provided a per container price point for each of the major providers [Mebrom, Value Recovery, and Nordiko] of recapture and treatment of methyl bromide. Commissioners Carroll, Arata, Deerhake, Chairman Meiburg, and EMC Chairman Solomon discussed and debated which method should be used to evaluate whether a control device, and increase in site acreage, or both could help existing quarantine and preshipment (QPS) sites stay in place.

EMC Chairman Solomon raised the issue whether justifications exist to support the temporary rulemaking process as proposed. He points to the lack of reports from citizens or workers in and around the QPS fumigation sites reporting lesions or other effects from methyl bromide exposure. Chairman Meiburg asked Counselor Reynolds to explain the legal requirements and legal exposure of the committee for processing a temporary rule. Concerns arose regarding the high expenses [\$100K estimate] for conducting air modeling like what New Jersey confirmed the modeling techniques align very closely with ambient monitoring analysis. The Director further explained the reasoning behind moving forward with both a temporary rule and permanent rule, to provide a stop-gap in the instance the permanent rulemaking extends via delays out to 2020. The ultimate goal, explained the Director in response to Commissioner Carroll, is to protect public health and provide regulatory certainty to the market place for the logs as a commodity.

Concerns remained regarding the temporary rule making action as expressed by Commissioner Carter. He further emphasized the need for a full and regular review process by the SAB of the proposal to add a toxic to North Carolina's TAP list. Commissioner Carter desired more information regarding the issue of (1) an odorant, (2) field site ambient monitoring data, and (3) no health reports of lesions, (4) occupational health data, (5) compliance with stacks and buffer rules to be fully reviewed by the SAB through close engagement. Here Commissioner Carter motioned the committee to end consideration of a temporary rule and only engage in permanent rule making for the toxin methyl bromide.

Discussion continued with Commissioner Deerhake raising the question of whether the department developed an emissions rate for 02Q .0700 to accompany the AAL. Director Abraczinskas noted that triggering facilities to comply with the proposed AAL using the existing rules, but a Toxic Permitting Emission Rate may be developed later on in the process. Commissioner Deerhake provided commentary on previous toxic rulemaking utilizing the best available science in the interest of public health.

At this time Deputy Director Pjetraj responded to the concern raised by Commissioner Carter concerning the use of an odorant. He explained that compliance with the fumigant labels and the independent negative health effects of the previously added odorant specifies no methyl bromide currently applied in the United States for QPS uses an odorant.

Commissioner Dr. Lazorick raised the issue of the large public outcry over the issue of methyl bromide fumigation at a previously held public hearing. She cited concerns for risk exposure of the commission if the deciding body appears to act with delay in this matter.

EMC Chairman Solomon acknowledged the slow down effect of taking a permanent rulemaking course over a temporary process. The Director explained the urgency for the temporary rule to provide businesses certainty with the environmental risks associated with this toxin. Commissioner Dr. Lazorick identified the withdrawal of a permit application for a proposed fumigation site due to large public outcry. Commissioner Carroll emphasized the need for a "good rule not a fast rule" considering a lack of data presented and the AAL not thoroughly reviewed by the SAB. He also noted the lack of an economic impact analysis.

Chairman Meiburg clarified the precise language of the motion directly with Commissioner Carter. Director Abraczinskas suggested an SAB representative be invited to the next meeting to provide a clear

recommendation to the committee. The Director noted the ranges in the past were provided because there were no IRIS values provided when the toxics list was first developed.

Commissioner Deerhake requested what discretion the Director has to work with existing facilities and new applicants during the implementation of a temporary rule. Director Abraczinskas talked about the interim measures currently being discussed with Royal Pest, the primary operator at the fumigation site facilities. Commissioner Deerhake highlighted that the charge of the commission was to protect the health and welfare of the public with weighing the harm to the economy of North Carolina.

Commissioner Carter asked if the facilities are moving forward with mitigation modifications such as installing stacks at the sites. Director Abraczinskas stated that only one facility currently uses a stack to exhaust methyl bromide emissions to the atmosphere. He further explained why the need for a temporary rule would provide facilities with some certainty to install control measures.

Motion:

Commissioner Carter, recognized by Chairman Meiburg, motioned the committee to only consider proceeding with methyl bromide rulemaking through the full SAB review including a range of risks and end the temporary rulemaking process altogether. Commissioner Carroll seconded the motion.

Chairman Meiburg clarified the motion as follows: "Motion to direct the Department to withdraw the proposal for a temporary rule and proceed with development of a permanent rule with full SAB involvement including a range of risks in developing an AAL."

Chairman Meiburg drew attention to an illustration of the toxic effect of methyl bromide through an article reporting the illegal application of the fumigant in the Virgin Islands exposing a family on vacation resulting in a tragic outcome for those people. He raised a question about the obligation of the DEQ in thinking about activities impacting the ambient air and health of the North Carolina population with adequate margin of safety. He noted that uncertainty is the only certainty with matters such as these. Chairman Meiburg emphasized the balance between the risk of overprotective rulemaking with under-protective measures.

Chairman Meiburg added that all the members want the benefits of log fumigation to be a productive economic opportunity for North Carolina, but not at the risk of endangering the health and welfare of North Carolina citizens.

Chairman Meiburg asked for a vote on the motion to recommend the DEQ to withdraw the temporary rulemaking proposal and focus on the permanent rulemaking procedure to add methyl bromide to the TAP list with full SAB involvement. Commissioners Carter, Carroll, Pettus, and EMC Chairman Solomon all voted in favor of the motion. Commissioners Deerhake, Dr. Lazorick, and Chairman Meiburg all voted against the motion. By a 4-3 vote, the DEQ is directed to go back to develop a permanent rule and with full SAB involvement.

Action:

The Committee requests the Department provide a schedule for the methyl bromide log fumigation permanent rulemaking for the January 2019 meeting.

EMC Chairman Solomon added that the intent is we move in January on the permanent rule. He noted that there are many opportunities here: SAB opportunities, financial impact analysis, and an opportunity this summer at

the Malec site doing testing. The message for stakeholders should be we are going to regulate this one way or the other, and whatever you need to help the existing permitted sites to negotiate with the DAQ to improve conditions at the existing sites.

December EMC AGENDA ITEMS

***Agenda Item #5, Request Waiver of 30-day Rule and Approval to Proceed to Public Hearing on Proposed Temporary Rule Adoption on Control of Emissions from Log Fumigation Operations, 15A NCAC 02D .0546 and Temporary Rule Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 (548) (Michael Abraczinskas, DAQ) [This item has been removed from the November EMC meeting.]**

The AQC voted in Agenda Item 4 to not approve moving forward with a temporary rule and directed the DAQ to instead develop a rule through the permanent rulemaking process.

***Agenda Item #6, Request Approval of Proposed Rule Revisions, Regulatory Impact Analysis and to Proceed to Public Hearing on Periodic Rule Readoption of Group 4 Rules - 15A NCAC 02D .0540, .1800-.1808, .1900-.1907 (546) (Joelle Burleson, DAQ)**

This is an EMC item that the AQC chose to not discuss at the meeting.

INFORMATION ITEMS

Agenda Item #7, Update on Odor Complaint Counts and History (Gary Saunders, DAQ)

Due to time constraints, Gary Saunders did not present this update.

Agenda Item #8, Director's Remarks (Mike Abraczinskas, DAQ)

Due to time constraints, Director Abraczinskas reserved his remarks for the November EMC meeting.

MEETING ADJOURNMENT

Chairman Meiburg asked for additional questions or comments, and upon hearing none, noted that the next meeting of the AQC would be January 9, 2019. Chairman Meiburg adjourned the meeting.