



MECKLENBURG COUNTY - *Air Quality Commission* -

The virtual AQC meeting was held using [WebEx](#) on Monday, August 23, 2021 at 11:30 a.m.

Air Quality Commission Members Absent

Janet Garner-Mullins

Mecklenburg County Air Quality Staff Present

Ieshishua Pierce Leslie Rhodes Megan Green Jason Rayfield Danielle Jones Chuck Greco
Keshawn Hinton Tori Jercich Sheldon Turner

Guest:

Erin Stanforth, Mecklenburg County Manager's Office (Sustainability and Resilience Manager)
Leslie Young, General Public

1. Call to Order

Chair Peter McGrath called the meeting to order at 11:33 a.m.

Roll Call of the Air Quality Commission Members

Air Quality Commission Members Present

Peter McGrath Gordon Miller Brian Magi Marcus Hackler Fern Paterson Karl Welke
Jamie Watts Lisa Hooker Aaron Levy

Billy Powers joined at 11:35 a.m. and Rosa Mustafa joined at 11:37 a.m.

2. Approval of Minutes

Chair McGrath asked for a motion for the approval of the July AQC meeting minutes.

Action Taken:

Motion: A motion was made to approve the July AQC meeting minutes as written.

Made: The motion was made by Gordon Miller and seconded by Marcus Hackler.

Vote: The motion was adopted unanimously by a roll call vote

3. Public Comments to the Air Quality Commission (AQC)

Action Required: Open Public Comment Period

A. Air Quality Permit Reviews

Public comment on the proposed permits will be received at this time. The Air Quality Commission opens public comment for air quality permit reviews per Mecklenburg County Air Pollution Ordinance, Regulation 1.5213 – "Action on Application; Issuance of Permit". Inclusion on the AQC agenda does not imply or infer any action or opinion by the AQC or its members regarding any permit.

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

Facility Name	Facility Address	Action Type
Crush-It, Inc.	PO Box 1210 Osprey FL 34229-1210	Open Public Comment
Inolex	12345 Steele Creek Road, Charlotte, NC 28273	Open Public Comment
INX International Ink Company	10820 Withers Cover Park Drive, Charlotte, NC 28278	Open Public Comment

Jason Rayfield, Permitting Manager, was available to answer questions.

B. General Comments to the Commission

None

4. Request for AQC Action to Open Public Comment Period for Revisions to the Mecklenburg County Air Pollution Ordinance

Chuck Greco, Permitting Supervisor, was introduced to discuss the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) to incorporate necessary changes from state rules. This adoption will consist solely of state rules adopted by reference that includes 145 rules as revised by the state from Groups 5 and 6 of its Periodic Review of Existing Rules and 2 rules concerning log fumigation. The AQC members received an electronic copy of the summary of the proposed revisions with the AQC agenda for review. The MCAPCO proposed revisions would be presented for adoption to the Mecklenburg County Board of County Commissioners (BOCC) at the October 19, 2021 BOCC meeting.

Most of the proposed revisions are editorial in nature that do not change the intent or interpretation of the rule. Chuck highlighted substantive changes in the proposed revisions to the following rules:

- MCAPCO Regulation 2.0530 –“Prevention of Significant Deterioration” and 2.0531 –“Sources in Nonattainment Areas”:

 - Clarifies that condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM2.5 and PM10
 - Revises the reporting requirements for facilities that avoid PSD/NNSR applicability based on emission increases calculated using Projected Actual Emissions

- MCAPCO Regulation 2.0932 –“Gasoline Cargo Tanks and Vapor Collection Systems”: Leak tightness certification of gasoline cargo tanks is now based on federal (DOT) requirements, not state specific requirements.

MCAPCO Section 2.2600 –“Source Testing”

- 2.2601 –“Purpose and Scope”:
A request to use an “alternative test method” must be submitted 45 days prior to the test for approval
- 2.2602 –“General Provisions on Test Methods and Procedures”:

Test reports must now contain a certification statement indicating compliance or non-compliance

- 2.2608 –“Number of Runs and Compliance Determination”:

Test must be made up of three runs at the same conditions

- 2.2609 –“Particulate Testing Methods”:

Condensable particulate matter must be included in PM2.5 testing

The public comment notice will be posted on the MCAQ website.

Action Taken:

Motion: A motion was made for the AQC to open the public comment period for the MCAPCO revisions.

Made: The motion was made by Fern Paterson and seconded by Gordon.

Vote: The motion was adopted unanimously

[Written handouts: Summary of October 19, 2021 revisions to the Mecklenburg County Air Pollution Control Ordinance; Mecklenburg County Air Pollution Control Ordinance 2021 Revisions (PowerPoint Presentation)]

5. Updates and Presentations

Chair McGrath asked if there were any announcements from the AQC members and MCAQ staff.

A. Announcements

Mobile Source updates

Megan Green, Mobile Manager, informed the AQC members that mobile source staff has resumed in-person outreach events with safety protocols in place. The AQC members were updated on an outreach event held with campers at a Park & Recreation camp.

ACE Awards

Jason informed the AQC members that the Air Compliance Excellence (ACE) awards will be issued the week of August 23rd. The ACE award is a special recognition program designed to recognize local industry’s efforts in achieving ongoing compliance with their air quality permits. It was stated that 166 permitted sites will receive the ACE award.

Annual Forum

The AQC members were informed that the Annual Air Quality Forum will be held on November 4th. Staff is working on the logistics so more details to come.

Monitoring Personnel Update

Danielle Jones, Monitoring Manager introduced Keshawn Hinton, Air Monitoring Specialist for the Monitoring program. Chair McGrath welcomed Keshawn to MCAQ.

Recognition of New AQC members

Leslie Rhodes, Air Quality Director recognized the two new AQC members, Karl Welke and Billy Powers who filled the General Public and Transportation positions. Chair McGrath welcomed Mr. Welke and Mr. Powers to the AQC.

B. Withdrawal of Penalty Hearing Request

Leslie provided an overview of the process that happened from the issuance of the Notice of Violation with Assessment of Civil Penalty to Novem Industries and their request for an administrative hearing that was scheduled for August 3rd. After the hearing was scheduled, attorneys from both parties met and staff was contacted by Novem, through their attorney, asking to withdraw the request for a hearing. The AQC members were provided a copy of the County Novem Settlement Agreement. Rosa Mustafa asked what actions the site is taking to change the end result to keep this from happening again moving forward. Leslie and Jason addressed this question providing an update on what the site is doing to comply with their dust control plan along with the facility's request that staff come to the site to offer additional dust control recommendations. Aaron Levy asked about the number of violations the site has had previously and what the penalty would be going forward. Jason stated over the last five years there has been at least six violations and the penalty moving forward was a base state penalty and would escalate with a repeat violation. There was some discussion on how the penalty amount was assessed. Aaron asked if staff could notify the AQC members of future violations at the site. Leslie stated that staff can notify the AQC at their request if there are future notice of violations issued to this site and asked Ieshishua Pierce to note this in the minutes to help execute it. [Written handout: County Novem Settlement Agreement]

C. Colonial Update

Leslie provided an update on Colonial Pipeline informing the AQC members that the recovery of free product from groundwater is continuing at the site. MCAQ is continuing to collect monitoring samples at the site that is sent to the State lab and analyzed for several toxic compounds. The data is currently under review by the State Toxicologist. Leslie stated that the early indications with consultation with the NC Division of Air Quality is the values we are seeing are below the applicable minimum risk levels. Leslie addressed the news reports concerning MTEB exposure at the site and informed the AQC members that the State has received a non-detect for MTEB at the site. It was stated that modeling was completed by Colonial to demonstrate compliance with state air toxic standards and the modeling has been submitted to MCAQ. MCAQ has requested additional information that has been received and is currently being reviewed by Permitting & Enforcement staff. Jason added that staff intends to inspect the site making sure all sources there are accounted for in the application.

Rosa asked whether Colonial will establish new monitors to help prevent any further spills. Leslie stated the site does not have a regulatory requirement to monitor for purposes of

compliance with Air Quality rules however they do use VOC monitors for workers safety. The toxic monitoring being done on site is being completed by MCAQ. Gordon asked if any control equipment is required. Jason informed Gordon that the site is using control equipment such as two thermal oxidizers. Rosa asked a follow-up question about reporting: the total gallons spilled was much higher than originally reported, how are we sure that this couldn't happen again in the reporting? Leslie stated this is a question that would have to be addressed by the Division of Waste Management who is lead agency regulating the spill.

New Indy Update

Leslie updated the AQC members on the New Indy odor complaints. Fern Paterson recused herself from the discussion due to New Indy being a client of her law firm. Leslie provided an overview of the New Indy sulfur odor complaints for the new AQC members. It was stated that South Carolina Department of Health and Environmental Control (SCDHEC) continues to receive odor complaints from North and South Carolina residents. During a period in July there was an increase in complaints from North Carolina residents. At that time, the monitor located in Waxhaw showed some spikes in value for hydrogen sulfide into or above the odor threshold but below minimum risk levels for hydrogen sulfide. The AQC members were informed that the monitoring site located in Ballantyne has malfunctioned and since the monitor is not repairable, the North Carolina Department of Environmental Quality (NCDEQ) will not replace it. The monitoring site in Waxhaw will continue to run.

New Indy is responsible for operating community monitors and fence-line monitors in South Carolina and that data can be accessed on the SCDHEC page dedicated to New Indy. Leslie highlighted some of the weekly reports submitted by New Indy that can be found on the SCDHEC website. Jamie Watts asked a question concerning the corrective action plan that SCDHEC is working with New Indy on what rule is being enforced. Jason provided some information and Leslie asked Jamie to give staff the opportunity to follow-up on his question. Leslie will provide the AQC members with a link to information regarding the New Indy odor investigation.

D. Ozone Season and Wildfire Updates

Danielle provided the AQC members with an ozone update. So far in 2021, there have been one ozone exceedance day in Mecklenburg County and two in the region. The current ozone compliance value is 66 ppb.

Danielle provided the AQC members with some PM10 and PM2.5 data from July during the wildfires that happened in the Western United States. It was stated that Monitoring staff began to see some impact from the wildfire smoke starting July 20. An increase in PM was observed, but there was no exceedance of a health base standard. The AQC members were show a graph that

highlight PM10 and PM2.5 monthly averages for July at several monitoring stations in Mecklenburg County. The data showed higher values for 2021 than the prior year for each of the sites with a higher concentration happening during Fourth of July fireworks displays. There were some questions about the values being lower at Garinger and if there were any speciation data. Chair McGrath asked if a quarterly report PM2.5 update could be given to the AQC members. Leslie stated that in the past staff provided an annual PM2.5 report and can discuss providing that information.

[Written handouts: Ozone Season Update (dated August 23, 2021); PM10 & PM2.5 Monthly Averages for July graph]

E. Questions and Report Out from Clean Air NC Permitting Workshop

Leslie updated the AQC members on the Air Permitting 101 workshop held by Clean AIRE NC and NC Division of Air Quality on August 12th that highlighted the State's permitting process. Leslie recognized Rosa Mustafa and Rev. Janet Garner-Mullins who attended the webinar before asking if anyone had feedback or questions about information shared in the webinar. No AQC members had any questions.

6. Next Meeting

September 27, 2021 (virtual meeting)

7. Adjournment

12:53 p.m.

Mecklenburg County will comply with the Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities. Mecklenburg County will make reasonable accommodations in all programs to enable participation by an individual with a 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.