

**OFFICE OF ENVIRONMENTAL
ASSISTANCE AND
PROTECTION**

**MINOR BARNETTE
DIRECTOR**



**ENVIRONMENTAL
ASSISTANCE AND
PROTECTION BOARD**

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**FORSYTH COUNTY ENVIRONMENTAL ASSISTANCE and PROTECTION
ADVISORY BOARD MEETING**

The Forsyth County Environmental Assistance and Protection Advisory Board met on January 18, 2022 at 10:00 a.m. via online meeting through the Microsoft Teams platform.

MEMBERS PRESENT:

Susan Appt
Reid Hutchins
Gayle Goldsmith

Brent Rockett
Charlie Wilson

MEMBERS ABSENT:

Nicole Mathis

Richard Sieg

FCOEAP PRESENT:

Minor Barnette
Amanda Bashor
Matt Brickey
Jeff Ebbitt
Peter Lloyd

Steve Lyda
Paul Martin
Rob Russ
Valerie Shores

I. Call to Order

Vice Chairman Brent Rockett called the meeting to order.

II. Approval of the October 19, 2021 Board Meeting Minutes:

Mr. Rockett opened the discussion to approve the October 19, 2021 meeting minutes. Ms. Appt made a motion to accept. Ms. Goldsmith seconded the motion, all members of the Board in attendance approved.

**Forsyth County Government Center, 201 North Chestnut Street, Winston-Salem, NC 27101-4120
Phone 336-703-2440 Fax 336-727-2777**

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III. Public Hearings – Proposed Amendments to Forsyth County’s Air Quality Control Ordinance and Technical Code and Permit Fees

a. Public Hearing 1: Proposed revisions to rules regarding startup, shutdown and malfunction (SSM)

This rule addresses excess emission resulting from periods of startup, shutdown, and malfunction of industrial processes, equipment, or pollution control equipment on industrial processes. EPA was named as the defendant litigation for not adequately addressing alleged deficiencies in the provisions of State Implementation Plans for multiple state and local air agencies. At this time, no significant impacts from the proposed changes are anticipated in Forsyth County. Forsyth County has one source that would be subject to the rule, but that facility is also subject to Federal NESHAP compliance, which provides more stringent regulatory requirements regarding emissions. Many of the processes do not currently require the controls to maintain compliance at this time. No prehearing comments from EPA were received prior to this public hearing.

Mr. Rockett gave an official call to order of the public hearing on proposed revisions to rules regarding startup, shutdown and malfunction (SSM). These public hearings are for comment and advisement before presenting rule changes to the County Commissioners for their approval. The schedule was posted in the local newspaper and online. If the rules fail to be approved, the Office of Environmental Assistance and Protection will be subject to a Federal Implementation Plan and any sanctions associated with that implementation.

This revision proposal is more stringent than current policy and also more stringent than the current State Implementation Plan (SIP).

Ms. Goldsmith moved to recommend adoption of changes. Mr. Wilson seconded. Vote by rollcall was unanimous approval by attending board members. Mr. Rockett closed this public hearing.

b. Public Hearing 2: Proposed amendments to Sec. 3Q-0902 to remove the applicability of Sec. 3Q-0958 Work Practices for Sources for Volatile Organic Compounds

Mr. Rockett opened the public hearing.

These rules have been adopted primarily as contingency measures to provide reasonably available control technology implemented in the event an area slips into non-attainment for ozone regulatory standards. A few of the rules are applicable regardless of trigger by non-attainment status. The State of North Carolina determined that proposed changes to these requirements should have no impact on attainment status. To stay consistent with the State of North Carolina, the rule is recommended for removal.

Ozone is one of six criteria pollutants and one of two primary pollutants of particular concern in our area. Ozone formation is a photochemical reaction driven by ultraviolet

light and typically occurs between March 1 and October 31. It is an atmospheric reaction of nitrogen oxides (NO_x) and volatile organic compounds (VOCs). There is an abundance of biogenic VOCs in our environment and anthropogenic VOCs are not primary drivers in ozone formation. Ozone formation in our region is considered NO_x-limited, wherein reducing nitrogen oxides in the air will effectively reduce the rate and concentration of ozone formation. Reducing anthropogenic VOCs will not have similar impact. The rule change should have no detrimental impact on attainment status regarding the ozone NAAQS and removes a potential liability for the regulatory community.

Ms. Goldsmith moved to recommend adoption of changes. Ms. Appt seconded. Vote by rollcall was unanimous approval by attending board members. Mr. Rockett closed this public hearing.

c. Public Hearing 3: Proposed changes to application fees and permit fees for Title V sources

Mr. Rockett opened the public hearing.

The Title V program currently applies to eight regulated sources. The program issues federal operating permits and regulates sources that emit, or have the potential to emit, more than 100 tons collectively of any criteria pollutant, more than 25 tons collectively of hazardous air pollutants, or 10 tons of any single hazardous air pollutant annually. From the implementation of the program, fees have been assessed based on the volume of emissions. The long-term impact of this program on businesses' financial and material efficiency has led to smaller facilities and large reduction in emissions. The State of North Carolina and this agency have seen substantial reduction in revenue relevant to reduced emissions tonnages. The new proposed structure will keep a base permitting fee, adapt the tonnage component, and add a complexity fee reflective of the office resources needed to provide regulatory oversight to the facilities. This should stabilize the fees and keep the regulatory program financially viable to meet the federal requirement of self-sufficiency. There will be a modest increase in some fees for affected facilities.

No comments were received. Ms. Appt moved to recommend adoption of changes. Ms. Goldsmith seconded. Vote by rollcall was unanimous approval by attending board members. Mr. Rockett closed this public hearing.

IV. Director's Update

The ongoing pandemic continues to affect office staffing levels, but regulatory responsibilities are still being met. Staff continue to respond to complaints, usually within 24 hours of receipt. There continues to be a high volume of complaints regarding open burning, likely still due to more burning but also more residents at home and reporting the activity.

A new position was filled in October to fulfill duties relevant to action on the clean energy resolution. The primary goal since onboarding has been collecting and organizing data to establish benchmarks in energy consumption and cost, including electricity, natural gas, and liquid fuels. Work is being done to plan for procurement of electric vehicles for the county fleet and establishing an infrastructure of electric vehicle charging stations. There is also research being done on medium to large scale solar projects.

Some revenue has been awarded from the Volkswagen settlement (penalties resulting from defeat devices installed on diesel vehicles) and more will be forthcoming. There is approximately \$450,000 available for workplace charging stations, and additional funding available for public charging infrastructure. The distribution of funding is administered by the state. There will be federal funding available in the near future from the infrastructure bill and, if approved, the Build Back Better bill will also provide funding. There is no incentive or money from car manufacturers for this charging infrastructure, but there are competitive grants available from Duke Energy. The General Services Department applied for grant funding through this Duke Energy program for two library locations to have high efficiency DC fast charging stations.

Budget development for fiscal year July 2022 through June 2023 has just begun. This county budget will include funding requests for sustainability initiatives and project proposals.

V. Other Business

VI. Next Tentative Quarterly Meeting:

Date: April 19, 2022

Location: 201 North Chestnut St. Winston-Salem, N.C.

VI. Mr. Rockett adjourned the meeting.

Dated: 4/14/2022

Minor Barnette

Minor Barnette, Director

Approved:

Brent S. Rockett

Brent S. Rockett, Vice Chairman