BUNCOMBE COUNTY
AIR QUALITY

MEMORANDUM

TO: Buncombe County Air Quality Advisory Council

FROM: Ashley Featherstone, Air Quality Division Manager

DATE: July 30, 2026

RE: Agenda for August 6, 2026

Enclosed, please find the Agenda for the Buncombe County Air Quality Advisory Council meeting to be held on **Thursday August 6, 2026 at 4:00pm** in the board meeting room located at 35 Woodfin Street, Asheville, NC 28801.

This meeting will be live streamed on Engage Buncombe which can be accessed at https://engage.buncombecounty.org/s8486. The council meeting documents will also be available on the Engage Buncombe site. The meeting will be recorded and can be viewed later.

A reception will be held at 3:30 pm to recognize our WNC Post Helene Particulate Monitoring Project Participants recipients and former Advisory Committee members. The recognition will occur at 4:00 pm at the beginning of the Board Meeting. All Air Quality Advisory Council Members, former Advisory Committee Members, and others are welcome to attend the reception.

BUNCOMBE COUNTY
AIR QUALITY

BUNCOMBE COUNTY AIR QUALITY ADVISORY COUNCIL
TENTATIVE AGENDA
AUGUST 6, 2026 COUNCIL MEETING

1. **Election of Chair to Preside Over Meeting**

2. **Public Comment Protocol Announcement**

3. **Introduction of New Council Member Jim Neely**

4. **Adjustment and Approval of Agenda**

5. **Consent Agenda:**
   A. Approval of minutes from June 24, 2026

6. **Special Presentations- In Appreciation for Participation in Project and Committee**
   A. WNC Post Helene Particulate Monitoring Project Participants
      i. ArtSpace Charter School
      ii. Barnardsville Fire Station 15
      iii. Broad River Volunteer Fire and Rescue Department
      iv. Edneyville Fire and Rescue
      v. Fairview Elementary School
      vi. Fairview Public Library
      vii. Hi-Wire Brewing Biltmore Village
      viii. Leicester Public Library
      ix. Skyland/South Buncombe Library
      x. Upper Hominy Fire and Rescue

   B. Former Air Quality Advisory Committee Members
      i. Keith Bamberger
      ii. Caitlin Cook
      iii. Ichaya Dhungel
      iv. Ned Guttman
      v. Jay Haney
      vi. Jim Neely
      vii. Kevin Tipton

7. **New Business**
   A. Consideration and Adoption Bylaws for the Air Quality Advisory Council
   B. Election of Chair and Vice Chair

8. **Manager's Report:**

A. Transition Update
   i. EMC Certification
   ii. Buncombe County Air Quality Code Adopted
   iii. July 24 First Official Day of Buncombe County Air Quality (BCAQ)
   iv. EPA Grant Update-Novation Process
   v. New Member Orientation Document
B. Proposed Changes to Office of Management and Budget's proposed rule "Regulation for Federal Financial Assistance" (2 CFR Part 200 and related provisions)
C. Clean Air Act Section 128 requirements for BCAQ
D. Monitoring Update
E. Facility Permit Renewals Issued in July

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
A Simple Cremation	Crematory	Small	Sand Hill Road, Candler	Changed permit references to Buncombe County Air Quality (BCAQ). Updated responsible official.
Carolina Ready Mix & Builders Supply, Inc	Ready-mix Concrete Facility	Small	Old U.S. Highway 70, Swannanoa	Changed permit references to BCAQ. Updated general conditions and responsible official.
D.H. Griffin Wrecking Co, Inc.	Portable Concrete and Stone Crusher	Small	Various sites with local zoning authority approval	Changed permit references to BCAQ. Updated general conditions and responsible official.
Eaton Corporation – Avery Creek Facility	Electrical Distribution Facility	Small	Vista Boulevard, Arden	Changed permit references to BCAQ. Updated general conditions and responsible official.
Mission Hospital, Inc	General Medical and Surgical Hospital	Synthetic Minor	Biltmore Avenue, Asheville	Changed permit references to BCAQ. Updated permitted equipment list and exempted activities list since the St. Joe's campus has been removed. Updated

				facility name and responsible official.
U.S. Department of Veterans Affairs Medical Center	General Medical and Surgical Hospital	Synthetic Minor	Tunnel Road, Asheville	Changed permit references to BCAQ. Updated equipment references and added performance test reporting requirements in specific conditions
Western Animal Disease Diagnostic Laboratory	Veterinary Testing Laboratory	Small	Airport Road, Arden	Changed permit references to BCAQ. Updated general conditions.

New Business:

F. None

9. Other Business:

A. Legal Counsel Report
B. Calendar
   i. Next meeting and Meeting Schedule
C. Announcements

10. Public Comment

11. Adjournment

Asheville-Buncombe Air Quality Agency

MEMORANDUM

TO: Asheville-Buncombe Air Quality Agency Board of Directors

FROM: Ashley Featherstone, Director

RE: Minutes for June 24, 2026

DATE: July 30, 2026

Enclosed, please find the Minutes for the Asheville-Buncombe Air Quality Agency Board meeting held on **Wednesday, June 24, 2026 at 4:00pm**. The next meeting is scheduled for **Thursday August 6, 2026 at 4:00pm** in the board meeting room located at 35 Woodfin Street, Asheville, NC 28801.

This meeting will be live streamed on Engage Buncombe which can be accessed at https://engage.buncombecounty.org/s8486. The board meeting documents will also be available on the Engage Buncombe site. The meeting will be recorded and can be viewed later.

A reception will be held at 3:30 pm to recognize our WNC Post Helene Particulate Monitoring Project Participants recipients and former Advisory Committee members. The recognition will occur at 4:00 pm at the beginning of the Board Meeting. All Air Quality Advisory Council Members, former Advisory Committee Members, and others are welcome to attend the reception.

The Asheville-Buncombe Air Quality Agency Board of Directors met on Wednesday, June 24, 2026, in the board meeting room located at 35 Woodfin Street, Asheville, NC 28801.

The attendance of the Board members was as follows:

Members Present:	**Members Absent:**
Ned Guttman	
Garry Whisnant	
Joel Storrow	
Karl Koon	
Caitlin Cook	

Staff Present: *Ashley Featherstone, Director; James Raiford, Permitting Program Manager; Steve Ensley, Air Quality Monitoring Coordinator; Alex Latta, Air Quality Specialist II; Allison Glass, Air Quality Specialist I; Hannah Rhodes, Air Quality Coordinator*

Others Present: *Suzanne Avett, County Attorney; Jason Rogers, Permits & Inspections Director; Mackenzie Koon, Resident*

Joel Storrow called the meeting of the Asheville-Buncombe Air Quality Agency Board of Directors to order on June 24, 2026, at 4:00 pm.

The order of business was as follows:

1. **Public Comment Protocol Announcement**
   A. Joel Storrow read the public comment protocol.

2. **Adjustment and Approval of Agenda**
   A. Karl Koon made the motion to approve the agenda.
   B. Caitlin Cook seconded the motion.
   C. All present – yes
   D. The motion passed 5-0

3. **Special Presentation**
   A. Recognition of Karl Koon for 20 years of service to the WNC Regional/Asheville-Buncombe Air Quality Agency
      i. Joel Storrow and Ashley Featherstone presented Karl Koon with an award to thank him for his 20 years of service on the board.
      ii. Jowl Storrow said that Karl Koon has been on the board for 20 years of service, and that he has been a rock for the board. Ashely Featherstone thanked Karl and said he had likely set the record for the longest serving board member. Ashley Featherstone said that Karl Koon always has very well thought out comments, and that we will miss him.

iii. Karl Koon thanked everyone and said that it has been a pleasure. He hopes that he has made a positive impact on not only Air Quality, but on the Agency operations.

4. Introduction

A. Jason Rogers, Director of Permits and Inspections

i. Joel Storrow introduced Jason Rogers.

ii. Jason Rogers said that he has been at Buncombe County for about ten and a half years and has been newly appointed as the Director of Permits and Inspections. He said that he has worked with our team for a long time and is looking forward to working together in a new way. Ashley Featherstone said that Jason Rogers has been a big help throughout the transition and that we are looking forward to working with him. He has also been helpful with the monitoring site and getting through the permits and inspections steps to start that build process.

5. Consent Agenda

A. Approval of minutes from May 14, 2026

B. Ned Guttman made the motion to approve the minutes.

C. Karl Koon seconded the motion.

D. All present – yes

E. The motion passed 5-0

6. Unfinished Business

A. Consideration of Rule Updates

i. Ashley Featherstone said that we have been through a pre-draft process that is required by the EPA. These rules will eventually be submitted to the State, and then they will become part of the State Implementation Plan (SIP). That is why the EPA requires a pre-draft to be submitted, which we submitted back in April. We did get some feedback from the EPA, which were not changes that needed to be made, but instead just unofficial comments on the final package submittal process. Specifically, there are certain rules that the EPA will approve in the State SIP, and certain rules that they won't. This is the same for the State of North Carolina and the other two locals in the state.

ii. We then went through the public notice period from May 22nd to June 21st. We received no public comments. We had a public hearing scheduled for June 22nd, but we were able to cancel it and not have a public hearing since none was requested.

iii. As the memo in the Board Packet states, we did have another meeting with the EPA because we submitted during what they call the pre-hearing draft, which is a second submittal as part of the 30-day public notice period, so it is called a prehearing submittal. We did get some feedback from them which was again, along the same lines as before, on what they will and will not ultimately expect to approve after the final submittal is made to North Carolina and then to EPA.

iv. Ashley Featherstone said we are now asking for the Board to adopt these changes, which will bring us up to date with the current North Carolina air quality rules in Chapters 4 and 17.

v. Joel Storrow said that Ashley Featherstone has worked really hard on this and that it has not been an easy task. Staff have been very thorough with the whole process, and he appreciates the effort that was put into this project.
vi. Ashley Featherstone said that she has to give the credit to Allison Glass, as she did a phenomenal job working on these rules. It was over 500 pages of codes that needed to be reviewed and edited.
vii. Joel Storrow asked if there were any comments about the rules, which there were none.
viii. Garry Whisnant made the motion to approve the rule updates.
ix. Ned Guttman seconded the motion.
x. All present – yes
xi. The motion passed 5-0

7. Director's Report

A. Update on Program Transition

i. Ashley Featherstone said that today we submitted materials to the NC EMC staff to go to their July 9th board meeting. Last night the city of Asheville took action following Buncombe County's June 16th action, which is where they passed a resolution to create the Air Quality program under the Board of Commissioners (BOC). The resolution also formed the Air Quality Advisory Council and extended the interlocal agreement. That was necessary so that it did not expire July 1 while we work to have the BOC adopt the code that was just updated by our Board, and while we wait for that certification on July 9th. We also have a letter from the County to the City with the 30-day notice to terminate the interlocal agreement going out today, June 24th. At the end of the 30 days, July 24th will be the effective date of Buncombe County Air Quality taking over the duties of the current Asheville-Buncombe Air Quality Agency.
ii. Joel Storrow asked what the official title of the council will be. Ashley Featherstone said that it will be "Buncombe County Air Quality Advisory Council," which we will be shortening that to the "Air Quality Council" or "AQC." And that is what we put in the resolution as well as in the Chapter 1 draft.
iii. Our code is organized into three chapters. Tonight the Board updated Chapters 4 and 17. Chapter 4 has all of the air quality standards in it. Chapter 17 is the air quality permitting procedures. Chapter 1 is our administrative code.
iv. Chapter 1 is where our current interlocal agreement with the City is, and that is where it covers things like powers and duties of the Director, powers and duties of the Board, enforcement of the rules, our governing structure, etc. So we have a draft of Chapter 1 changes where we took out the interlocal agreement and stated that the Air Quality Agency is under the governance of the Board of Commissioners. It also includes the Air Quality Advisory Council. We have a new section 1.0200 with the Advisory Council in it that states the Council will be responsible for hearing appeals and will advise on technical matters to the Board and Director, such as having a certified program.

v. Ashley Featherstone said that what will happen next, is after we go to the NC EMC on July 9th, we will then be on the BOC agenda on July 21st. That is the meeting where we will ask them to adopt the Air Quality Code. It will be a newly revised Chapter 1, and then there will be no updates to Chapters 4 and 17, they're just basically adopting the code we already have in place. The changes that are included were replacing "Asheville-Buncombe Air Quality Agency" with "Buncombe County Air Quality." We also are replacing "Agency" with "Program" to match up with the language that we will no longer be a separate, stand-alone Agency. We will be a Division of Permits & Inspections, but still a program with separate cost structures and accounting, as it is important that we continue to maintain that.

vi. We will stress to the EMC that we are an existing air quality program that has been around since 1947. We have been approved by the EMC in 1972 and then again in the year 2000 when we reformed our governing structure the last time. We are not making any changes to our rules other than bringing them up to date and changing the governing structure. All of our positions, assets, etc. are going over to the new program.

vii. Ashley Featherstone said that since Karl Koon is stepping down and is not going to continue with the Council, Jim Neely, who was previously on our Advisory Committee, will be stepping into the 5th Air Quality Council member position starting at our August 6th meeting. Jim is retired and from Massachusetts. He worked for an Air Quality Agency there and has worked in different government jobs, so he is very familiar with the role we play in the air program.

B. EPA FY26 105 Grant Update

i. Ashley Featherstone said that we have a couple of updates on the EPA 105 grant.

ii. We were awarded about $213,000 in May. This is more than what we got last year, but is less than two years prior, which was about $222,000. We did, however, get more EPA 103 funds this year than prior years, so the total grant award amounts we have received this year from the EPA are roughly the same as two years prior.

iii. We also got a call from the EPA last week asking if we would like to take $90,000 of additional funding. We said yes. There's always a concern when you take on additional funding for the 105 grant because it has to be matched, and there's a maintenance of effort. And since we only have six positions, that's going to be challenging to meet. However, we are getting ready to spend $70,000 on a new Ozone site, so we are going to complete a budget amendment with the EPA to include that. And since that is a one-time cost, it won't count towards our maintenance of effort going forward. There will just be that additional $20,000 which we can relatively easily put towards salary and benefits on our programs without it being an issue. We always have to look at allocations for the programs and make sure that we're meeting the requirements, because we are required to spend the same amount if not more than the previous year for that maintenance of effort.

iv. We are working through the process with the County as they transition us over, and we're going to be handling our budget differently as we had previously talked about.

v. Ashley Featherstone said that the other grant update is the item that she sent out last night, which was a proposal by the Office of Management and Budget to codify some of the grant recommended guidance into rules. They are tightening down on these grants and putting in

provisions saying things such as, they can cancel the grant awards at any time. We don't know a lot about what will be finalized or how it will affect us, but there's a lot more scrutiny on grants, and they are becoming more uncertain as a result. This makes transitioning to the County especially beneficial and timely, as there is a lot of continued uncertainty at the federal level.

C. Monitoring Update-Purple Air Sensor Project
   i. Steve Ensley said that we are going to assume the Purple Air Sensor Project from the State. The last time we spoke with them, they said it wouldn't be a problem to transition the monitoring to us for the rest of the loan. If we wanted to continue the loan, the State said we would have to do our own application to the EPA. The State seemed very open to letting us use the monitors as long as we need them. Ashely Featherstone has also expressed interest in purchasing some Purple Air Monitors of our own.
   ii. Steve Ensley went over monitoring data completeness.
      1) PM2.5 data completeness: 95.2%
      2) Ozone data completeness: 98.7%
      3) We've had no exceedances this year.
      4) Our fourth highest value for this year is 61, which occurred on May 5th. Our highest value was 65 on Ozone, which occurred on April 3rd. There is a critical value for the year that Steve Ensley doesn't think we've ever hit, but it is 96 for the fourth highest value, which means we'd have to have a fourth highest 8-hour average of 96 to go over that standard, so that is nothing to worry about at this time. Based on what we have so far, they're projecting 59 parts per billion as the fourth highest value for this year. So everything looks good.
      5) We have not heard anything from the courts about the NAAQS (National Ambient Air Quality Standards). The State has not heard anything, and we don't know where that is going, so more information is to come. As it currently stands, the 2026 design value is 6.2, so we're in good shape if it stays at 9 or if it moves to 12.
      6) Steve Ensley asked if anyone had any questions.
      7) Joel Storrow asked how much a Purple Air Sensor costs. Steve Esnley said it depends on the model you get, but typically around $200-$300. He said meteorologists love them and the data they provide, and the State encourages putting out as many as possible, even though they are not a regulatory monitor. He said they're really good at showing change.
      8) Garry Whisnant asked what the origination of the Purple Air Monitor concept was. Steve Ensley said they've been talking about low-cost instruments for years. James Raiford said that Purple Air is a company that created low-cost sensors, and they were going to make their money by marketing to that. They're really good at covering a large area for a lot cheaper. They're also helpful for detecting wildfire smoke. And as people started using them more and realizing they were creating useful data, the Purple Air company started working with the EPA. The EPA has come up with a way of taking Purple Air data and running it through an equation to try to make it more closely match with the reference PM monitor data that we have. Steve Ensley said that their precision goes down at higher

concentrations. James Raiford said we deployed many of these Purple Air Monitors directly after Hurricane Helene, thinking that there would be an increase in burning and dust concerns.

9) Garry Whisnant asked for clarity on if the EPA was just going to turn over the Purple Air Monitors to us.
    a) James Raiford said that we would be partnering with the EPA on the project, but that technically the project was done by the State.
    b) Steve Ensley clarified that the EPA retains ownership of the devices and we report the data to them. At the end of every loan term, a report has to be given to the EPA on what was observed. The State will prepare the report for this cycle, and that would then be our responsibility if we go through with another loan application.
    c) Ashley Featherstone added that the EPA requires us to follow a quality assurance plan since we are borrowing their devices. She would like to buy our own Purple Air Monitors. We've had the ones on loan for two years now, but since we expect it's going to be several years that our community is going to be dealing with all of the Helene debris, there is an increased risk of wildfire and that's where we have seen they have been really helpful. We are also still getting requests from residents asking permission to burn storm debris. It would be nice to ultimately purchase some of these sensors to keep long term. For now we will continue to keep the loan program going.
    d) Steve Ensley said that these sensors do have a finite lifespan. They're not really repairable, and when you start having problems with one, the most cost effective option is to just take it out and put another one in. The ones that we borrowed we have had to replace two or three out of the eight or nine sites that we have had them at.
    e) James Raiford said that we have had at least one incident of a wildfire where we were able to see very specific Purple Air Monitors picking up the smoke from the fire, where other parts of the County were unaffected. And we would not have been able to tell that with just our one regulatory monitoring site for particulate matter.
    f) Ashley Featherstone said that we are trying to do more outreach with the public to let them know that they can go on the EPA Fire and Smoke Map and check the data if they think it smells smoky in their area. And they can check the air quality specifically near them.

       Steve Ensley said that the temporal resolution is better as well. So instead of reporting an hourly value, you can see it changing from minute to minute.

D. Recognition Ceremony for August Meeting
    i. Ashley Featherstone said that we are not having Clean Air Excellence Awards, which we have talked about, but we are instead going to present certificates that the State made for the Western North Carolina Post-Helene Sensor particulate Monitoring Project that Steve Ensley was just talking about. We've invited several schools, fire departments, and libraries to honor

them. We also invited the Edneyville Fire Department from Henderson County, as the State just had one Purple Air Monitor there.

ii. Ashley Featherstone said that we also talked about including recognition for DEQ's Air Quality IQ student program they do every year, but we found out that there were about 40 students which was a bit overwhelming for us, so we decided to save that for a future year when we could have more time to plan ahead. Keith Bamberger would like for us to have it earlier, in May, before kids are out on summer break.

iii. Ashely Featherstone would like to invite current Air Quality Advisory Committee Members and present them with a certificate of appreciation for their time on the Committee. She wanted to run the idea past the Board. The Committee has seven or eight people on it, and we expect three or four of them would come to the reception if invited.

iv. Garry Whisnant asked if it would be at 3:30pm. Ashely Featherstone confirmed that yes, that would be when the reception starts, with the award ceremony starting with the board meeting at 4pm.

v. Joel Storrow like the ideas and times proposed.

E. New Permits

i. Ashely Featherstone said that we did have one permit that we wanted to get approved by the Board tonight. She will be able to issue permits after July 24th, when we have transitioned to being under the County, but this is one that we have now and wanted to request approval to issue.

Facility Name	Type of Facility	Facility Classification	Location	Proposed Equipment
ELE Construction, LLC	Portable Concrete, Stone and Recycled Asphalt Paving Crusher	Small	Various sites with local zoning approval	Crusher, screen conveyor, belts, generator

ii. James Raiford said that this is a portable crushing operation. We have approved a couple of these in the past. APAC, which is an asphalt plant company, wants to get their scrap asphalt crushed up so that they can reuse that in their mix. They hire companies to do that work, and they just hire a different company to do it every year or so, so every new company has to get a permit from us. The latest company is local out of Leicester, ELE Construction, LLC. They applied for a permit at the three APAC sites. We do state that they can operate at other locations in the County, but they have to let us know before doing so.

iii. Garry Whisnant made the motion to approve the above new permit.

iv. Cailtin Cook seconded the motion.

v. All present – yes

vi. The motion passed 5-0

8. New Business

A. None

9. Other Business

A. Legal Counsel Report
   i. Suzanne Avett said that Ashely Featherstone has covered a lot of the Legal Counsel Report. We do have the EMC meeting in Raleigh in July, so she will go with Ashely Featherstone for that. We have commented on the draft resolution. We hope we will get it back quickly so we can have it to present at the Board of Commissioners meeting, when the rules will be adopted. So most of her work there is done, and she has switched more to working on the by-laws for the new Advisory Council. She hopes the Council will have draft by-laws for members to review soon, and then the Council can adopt them at the August 6th meeting.

B. Calendar
   i. Joel Storrow said that the next meeting will be on August 6th, 2026, which will be the first meeting as the Air Quality Council.
   ii. Ashley Featherstone said that we can talk about a schedule for future meetings at the August 6th meeting.

C. Announcements
   i. Joel Storrow said that he's been on the board since 2016, and has been chair for about 5 years. He is happy to stay on the Advisory Council, but would like to pass along the baton for the chair to someone else on the Council. That can be the first order of business at the next meeting.
   ii. Garry Whisnant asked what the process would be for that.
   iii. Suzanne Avett said that the process will be in the by-laws, but that it will just be a vote for chair and vice chair.
   iv. Ashley Featherstone thanked Joel Storrow and said that it has been a pleasure working with him and she appreciates his support, and for getting us through the transition.

10. Public Comment

A. None

11. Adjournment

A. Karl Koon made the motion to adjourn the meeting.
B. Ned Guttman seconded the motion.
C. All present – yes
D. The motion passed 5-0
E. The meeting was adjourned at 4:42pm

Buncombe County Air Quality Advisory Council By-Laws

	Countywide	X	**Department:** Air Quality	X	**Division:** Advisory Council
Supersedes: N/A				**Effective Date:** August 6, 2026	
Authority: Buncombe County Board of Commissioners Resolution 26-06-13; N.C. Gen. Stat. § 153A-76; N.C. Gen. Stat. § 143-215.112(c)(1).					

I. **Purpose:** To establish the general operating procedures for the Buncombe County Air Quality Advisory Council in compliance with state law and county regulations and to establish an annual review of operating procedures.

II. **Procedure Statement:**

A. **Name and Office**

The name of this organization is the Buncombe County Air Quality Advisory Council (hereinafter "Council"). The principal office of the Council is located at the Buncombe County Government Services Center, 35 Woodfin Street, Asheville, NC 28801.

B. **Duties and Responsibilities**

The Council is authorized pursuant to N.C. Gen. Stat. § 153A-76 and N.C. Gen. Stat. § 143-215.112(c)(1) and exercises powers, authority, and responsibilities delegated to it by the Buncombe County Board of Commissioners. The Council shall have the following duties and responsibilities:

- Conduct public hearings and review and advise on air program actions;
- Advise the Board of Commissioners in developing policies and plans to improve air quality programs;
- Participate in the appeals review process over "air quality" regulations and ordinances promulgated by the Board of Commissioners;
- Review and advise the local air quality program pursuant to the local air quality ordinance;
- Advise the Board of Commissioners of actions necessary to maintain a certified local air quality program, including rules, regulations and standards as promulgated by the North Carolina Environmental Management Commission and administer such rules and regulations throughout its area of jurisdiction pursuant to N.C. Gen. Stat. § 143-215.112.

C. Membership

The Council shall be composed of five (5) members, appointed by the Buncombe County Board of Commissioners pursuant to the established application process. The composition of the Council shall include individuals from a spectrum of vocations and professions including, but not limited to, business, engineering, economics, law, medicine, biology and life sciences, resource management, education or other specialties related to environmental management. All members of the Council shall be residents of Buncombe County.

D. Terms

All appointments shall be made for three-year terms, each member being subject to reappointment and the privilege of serving successive terms.

E. Conflict of Interest

That pursuant to the requirements of § 128 of the Clean Air Act ("CAA") and, thereby, the requirements of § 110(a)(2)(E)(ii) of the CAA, the Air Quality Director and each member of the Council shall complete a Certification of Public Interest and Disclosure of Potential Conflict of Interest on an annual basis. A majority of the Air Quality Council members represent the public interest; a majority of the members do not derive any significant portion of their income from persons subject to permitting or enforcement orders under the CAA; members must provide adequate disclosure of any potential conflicts of interest.

F. Officers

1. Chair and Vice-Chair

The Council members shall elect a Chair and Vice-Chair by majority vote to serve a two (2) year term and until his or her successor is appointed. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year. If the Chair and Vice-Chair are both absent, another member of the Council designated by a majority vote of members present at the meeting shall preside.

2. Secretary

The Air Quality Director or Director's designee shall serve as Secretary to the Board; the Director is not a member of the Board. The Director shall be responsible for council records, dissemination of information and other administrative duties. The Air Quality Director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate Air Quality employee.

G. Board Meetings

1. **Regular Schedules**
   The Council shall hold a regular meeting on the second Thursday of every other month, meetings shall be scheduled for January, March, May, July, September, and November. The Council must designate the time and place of all Council meetings, which must be conducted in compliance with North Carolina Open Meetings Laws (N.C. Gen. Stat. § 143-318.9).

   The Council shall give public notice before any of its public hearings. Notice of a public hearing at which the Council shall vote on any regulations, standards or other matters calling for the Council's opinion shall be given by publication at least once in a newspaper having general circulation in the County, and if the Council so directs, by such other methods as it shall specify. Such published notice shall be given not less than thirty days before the first hearing on the proposed action. The notice shall include a summary of the standards, regulations or other matters being voted on and shall state that the complete copy of the standards, regulations, or other documents being voted on may be obtained upon request from the office of the Director of Buncombe County Air Quality.

2. **Special Meetings**
   The Chair or three of the members of the Council may at any time call a special meeting of the Council by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chair and all the Council members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the principal bulletin board of the Board or at the door of its usual meeting room or on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

   A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion scheduling the special meeting shall specify time, place, and purpose of the special meeting. At least 48 hours before a special meeting called in this matter, notice of time, place, and purpose shall be (a) posted on Council's website; and (b) mailed or delivered to a newspaper having general circulation in the County, and if the Council so directs, by such other methods as it shall specify. Such notice shall also be mailed or delivered at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. **Remote Meetings**
   A Council member may make a remote appearance at a meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum. Remote members can participate in discussions but cannot make motions, seconds, or vote.

4. **Agenda**
   The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any Council member may have an item placed on the agenda. The Council may authorize the Director to prepare a consent agenda. The consent agenda shall contain routine, non-controversial items that require Council action but little or no deliberation. The final agenda for each meeting will be approved by the Chair and the Air Quality Director.

5. **Presiding Officer**
   The Chair of the Board shall preside at Council meetings if they are present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member designated by a majority vote of members present at the meeting shall preside. The Chair shall have the following powers:
   - To rule motions in or out of order, including the right to rule out of order a motion patently offered for obstructive or dilatory purposes;
   - To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
   - To call a brief recess at any time;
   - To adjourn in an emergency.

6. **Attendance**
   Regular attendance is critical to the success of the Council's business and purpose. All appointed council members are expected to attend a minimum of 75% of all regular scheduled meetings each year. Failure to meet this attendance requirement may result in a recommendation by the Council to the appointing authority that the council member be removed.

7. **Quorum**

A majority of the actual membership of the Council, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

8. **Voting**
   No vote may be taken without a quorum being present.

9. **Public Comment**
   There shall be an opportunity for public comment during Council meetings.

10. **Minutes**
    The Secretary shall prepare minutes of each Council meeting. Copies of the minutes shall be made available to each Council member before the next regular Board meeting. At each regular meeting, the Council shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Council meeting minutes at the Buncombe County Government Services Center, 35 Woodfin Street, Asheville, NC 28801. The minutes are also available on the county's website.

H. Amendments to By-laws

The by-laws may be amended at any regular meeting or at any properly called special meeting that includes amendment of the by-laws as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

I. Other Procedural Matters

1. **Action by the Council**
   - **a)** The Council shall proceed by motion. Any member, including the Chair, may make a motion.
   - **b)** All motions require a second before the motion can be discussed.
   - **c)** A member may make only one motion at a time.
   - **d)** A substantive motion is out of order while another substantive motion is pending.
   - **e)** A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
   - **f)** The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to these general

principles:

i. The introducer (the member who makes the motion) is entitled to speak first;
ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:

a) **To Adjourn.** The motion may be made at any time by a member of the Board and would require a majority vote.
b) **To Take a Recess.**
c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
d) **To Suspend the Rules.** The motion requires a vote to equal a quorum.
e) **To Divide a Complex Motion and consider it by Paragraph.**
f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
g) **Call of Previous Question.** The motion is not in order until every member of the Council has had at least one opportunity to speak.
h) **To Postpone to a Certain Time or Day.**
i) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motions, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chair.
j) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
k) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
l) **To Rescind or Repeal.**
m) **To Ratify.**
n) **To Prevent Reconsideration for Six Months.** The motion shall be in

order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months

o) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

p) **Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time before a vote.

q) **Duty to Vote.** Once a meeting has been convened, every member, including the Chair, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. The Council may excuse a member from voting, but only upon questions involving his own financial interest or his official conduct or on matters on which the member is prohibited from voting under N.C Gen. Stat. § 14-234. For purposes of this rule, the question of the compensation and allowances of members of the Council does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

J. **Compliance with North Carolina Law**

In conducting its business, the Council shall comply with all applicable North Carolina laws, including, but not limited to, open meetings laws, public record laws, and the laws setting forth the powers and duties of local air quality advisory councils. To assist the Council in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Council members on request.

III. **Applicability and Exceptions:** The procedures apply to current members of the Buncombe County Air Quality Council.

IV. **Procedure Responsibility and Management:**

- This procedure shall be reviewed annually by the Chair and the County Attorney's Office.
- New Council members will receive a copy of the Air Quality Council Member Orientation.

V. **Reference to Robert's Rules of Order:**

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Council shall refer to Robert's Rules of Order for unresolved procedural question.

RESOLUTION NO. 2026-01

OF THE

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

CERTIFYING THE BUNCOMBE COUNTY AIR QUALITY PROGRAM AS A LOCAL AIR POLLUTION CONTROL PROGRAM PURSUANT TO N.C.G.S. § 143-215.112

WHEREAS, the North Carolina Environmental Management Commission (the "Commission") convened on the 9th day of July, 2026, in Raleigh, North Carolina, after due notice and in open session, and at that meeting considered the matter set forth in this Resolution; and

WHEREAS, Article 21B of Chapter 143 of the North Carolina General Statutes, and in particular N.C.G.S. § 143-215.112, charges the Commission with the review, oversight, supervision, and certification of all local air pollution control programs within the State, to assure that such programs are adequate to meet the requirements of Articles 21 and 21B of Chapter 143 and the rules adopted by the Commission thereunder; and

WHEREAS, in July 2000, the Commission certified the Western North Carolina Regional Air Quality Agency (later renamed the Asheville-Buncombe Air Quality Agency effective November 9, 2021) as a local air pollution control program with full jurisdiction over all air pollution sources located in Buncombe County and the City of Asheville, pursuant to an interlocal agreement signed June 6, 2000, and executed under N.C.G.S. §§ 160A-461, 160A-464, and 143-215.112(c)(3); and

WHEREAS, by written notice given by Buncombe County to the City of Asheville on March 1, 2026, Buncombe County exercised its right under the interlocal agreement to terminate that agreement, for the purpose of bringing the local air pollution control program directly under the administration of the Buncombe County Board of Commissioners ("BOC") pursuant to N.C.G.S. § 143-215.112(c)(2)(a); and

WHEREAS, by letter dated March 20, 2026, the Agency's Director notified the Director of the Division of Air Quality of the proposed reorganization and name change and requested certification by the Commission, and by subsequent submissions has tendered for the Commission's consideration the supporting documentation identified in Appendix A to this Resolution; and

WHEREAS, on June 16, 2026, by resolution, the BOC, and consistent with the provisions of N.C.G.S. § 143-215.112(c)(4), established an Air Quality Advisory Council (Council) with the authority and responsibility to hear appeals of permits, notices of violation and civil

penalties, advise the BOC on technical matters related to air quality, air quality standards and rule updates, and other air quality matters; and

WHEREAS, by the same June 16, 2026 resolution, the BOC extended the term of the interlocal agreement between Buncombe County and the City of Asheville beyond July 1, 2026 for the limited purpose of providing administrative continuity pending the Commission's action on this Resolution; and

WHEREAS, the program has been restructured under the sole governance of Buncombe County, as administered through the Buncombe County Permits and Inspections Department with the program cost center remaining separate and financial tracking conforming to program requirements, and has been renamed Buncombe County Air Quality Program (the "Program"); and

WHEREAS, the BOC is expected to adopt the current Air Quality Code in place for the Asheville-Buncombe Air Quality Agency, and include updates to the Code consistent with the reorganization and other requirements of local program certification as described in this resolution and N.C.G.S. § 143-215.112; and

WHEREAS, the Commission has examined the Program's governance structure and conflict-of-interest provisions and finds them adequate to satisfy both N.C.G.S. § 143-215.112(c)(2a) and Clean Air Act, 42 U.S.C. § 7428 (CAA Section 128); and

WHEREAS, The Program will satisfy the conflict-of-interest requirements set forth in N.C.G.S. § 143-215.112(c)(2a) and Section 128 of the Clean Air Act; and

WHEREAS, the Commission has considered the recommendation of the Director of the Division of Air Quality, the Commission's Executive Director, the Commission's counsel, and the documentation submitted by the Program.

THE COMMISSION FINDS:

Upon consideration of the foregoing recitals and the documentary record before it, the Commission makes the following findings of fact:

1. **COMPATIBLE ORDINANCE AND LOCAL LAW.** N.C.G.S. § 143-215.112(a)(1) requires a local program to provide by ordinance or local law for requirements compatible with those imposed by the provisions of Articles 21 and 21B of Chapter 143 of the General Statutes, and the standards and rules issued pursuant thereto. The Buncombe County Air Quality Code, to be adopted by the BOC on or about July 21, 2026, provides by ordinance for requirements compatible with those imposed by Articles 21 and 21B of Chapter 143 of the General Statutes and the rules and standards adopted by the Commission thereunder. The Commission finds the requirement of N.C.G.S. § 143-215.112(a)(1) satisfied.

2. **ADEQUATE ENFORCEMENT.** N.C.G.S. § 143-215.112(a)(2) requires a local program to provide for the adequate enforcement of the requirements in Articles 21 and 21B of Chapter 143 of the General Statutes by appropriate administrative and judicial process. The current Air Quality Code for the Asheville-Buncombe Air Quality Agency provides for adequate enforcement provisions to satisfy the requirements of Chapter 143 of the General Statutes, Articles 21 and 21B, and upon the BOC's adoption of that Code, the Program will additionally satisfy the enforcement requirement. The Commission finds the requirement of N.C.G.S. § 143-215.112(a)(2) satisfied.

3. **ADEQUATE ADMINISTRATIVE ORGANIZATION, STAFF, AND RESOURCES.** N.C.G.S. § 143-215.112(a)(3) requires a local program to provide for an adequate administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its programs. The Agency is currently staffed as detailed in the organizational chart included in Appendix A. Current funding is provided through air quality permit fees, federal grants under the Clean Air Act, and Buncombe County general fund appropriations, with the program cost center maintained separately within the Buncombe County fiscal structure. The Commission finds that the Program's administrative organization, staff, and financial and other resources are adequate to effectively and efficiently carry out the program, and the requirement of N.C.G.S. § 143-215.112(a)(3) satisfied.

4. **CONFLICT-OF-INTEREST COMPLIANCE.** N.C.G.S. § 143-215.112(c)(2a) provides that any board or body which approves permits or enforcement orders shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Clean Air Act, and that any potential conflicts of interest by members of such board or body or by the head of an executive agency with similar powers shall be adequately disclosed. Section 128 of the Clean Air Act, 42 U.S.C. § 7428, imposes parallel federal requirements. The Program's permitting and enforcement decisions are vested in officials whose appointment and supervision are governed by Buncombe County's personnel and ethics framework. The Council, established pursuant to N.C.G.S. § 143-215.112(c)(4) by resolution of the Buncombe County Board of Commissioners adopted June 16, 2026, is constituted such that a majority of members represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Clean Air Act, and potential conflicts of interest by such members and by the Director of the Program are subject to adequate disclosure. The Commission finds these arrangements adequate to satisfy Section 128 of the Clean Air Act and N.C.G.S. § 143-215.112(c)(2a).

5. **OVERALL ADEQUACY.** N.C.G.S. § 143-215.112(a)(4) requires that the program approved by the Commission be adequate to meet the requirements of Article 21B of Chapter 143 of the General Statutes and any applicable rules pursuant thereto. Based upon the findings set forth in paragraphs 1 through 4 above, the Commission finds that the Buncombe County Air Quality Program, as restructured under the sole governance of Buncombe County pursuant to N.C.G.S. § 143-215.112(c)(2)(a), is adequate to meet the requirements of Articles 21 and 21B of Chapter 143 of

the General Statutes and the rules of the Commission, and the requirement of N.C.G.S. § 143-215.112(a)(4) satisfied.

NOW, THEREFORE, BE IT RESOLVED THAT:

Pursuant to N.C.G.S. § 143-215.112(a), and subject to the Reserved Jurisdiction described below, the Buncombe County Air Quality Program is hereby certified as a local air pollution control program.

RESERVED JURISDICTION

BE IT FURTHER RESOLVED THAT, pursuant to N.C.G.S. § 143-215.112(e)(4), the Commission retains jurisdiction over the following facilities owned or operated, in whole or in part, by Buncombe County, and that all air quality permits issued for such facilities shall be issued by the North Carolina Division of Air Quality and enforced by the Division of Air Quality, in order to avoid any actual or apparent conflict of interest arising from the Program's administrative placement within Buncombe County government:

- Buncombe County Landfill;
- Buncombe County Landfill I; and
- Buncombe County Detention Center.

The Commission may, upon petition by Buncombe County and a showing of changed circumstances, modify this reservation in whole or in part.

EFFECTIVE DATE

BE IT FURTHER RESOLVED THAT this Resolution shall take effect upon the later of: (i) July 24, 2026; or (ii) the date the Buncombe County Air Quality Code is adopted by the Buncombe County Board of Commissioners.

SUPERSESSION AND SAVINGS

BE IT FURTHER RESOLVED THAT this Resolution supersedes and replaces the Commission's certification of July 2000 of the predecessor program; provided, however, that permits issued, enforcement orders entered, and other actions taken by the Asheville-Buncombe Air Quality Agency or the Western North Carolina Regional Air Quality Agency prior to the effective date of this Resolution shall remain in full force and effect, and shall be administered and enforced by the Buncombe County Air Quality Program as successor.

Adopted this the 9th day of July, 2026.



J.D. Solomon, Chairman
Environmental Management Commission
State of North Carolina

APPENDIX A — DOCUMENTARY RECORD

The Commission has considered the following documents in support of this Resolution, all of which are incorporated herein by reference and maintained in the Commission's certification file for the Buncombe County Air Quality Program:

- N.C.G.S. § 143-215.112
- Letter dated March 20, 2026, from Ashley J. Featherstone, Director, Asheville-Buncombe Air Quality Agency, to Mike Abraczinskas, Director, Division of Air Quality, notifying DAQ of the proposed reorganization and name change and requesting recertification by the Commission;
- Air Quality Program Transition Memorandum dated May 6, 2026, from the Program Director to the Buncombe County Assistant County Manager;
- Resolution of the Buncombe County Board of Commissioners adopted June 16, 2026, reforming the County Air Quality Board as an air quality advisory body pursuant to N.C.G.S. § 143-215.112(c)(4) and extending the term of the predecessor interlocal agreement for administrative continuity;
- Buncombe County Air Quality Code (to be adopted by the BOC);
- Buncombe County N.C.G.S. § 143-215.112 Checklist

RESOLUTION NO. 26-07-05

RESOLUTION ADOPTING BUNCOMBE COUNTY AIR QUALITY CODE

WHEREAS, on June 16, 2026, pursuant to N.C. Gen. Stat. § 143-215.112(c)(1) the Board of Commissioners established an Air Quality Program subject to certification by the North Carolina Environmental Management Commission (herein "EMC"); and

WHEREAS, on July 9, 2026, pursuant to N.C. Gen. Stat. § 143-215.112(a) the EMC certified the Buncombe County Air Quality Program as a local air pollution control program, effective July 24, 2026; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143-215.112(a)(1), a local program is required to provide by ordinance or local law requirements compatible with those imposed by the provisions of Articles 21 and 21B of Chapter 143 of the General Statutes, and the standards and rules issued pursuant thereto. The Buncombe County Air Quality Code establishes the rules and regulations used by staff to govern air quality issues in Buncombe County; and

WHEREAS, pursuant to Resolution No. 26-6-13, the Board of Commissioners authorized staff to publish notice notifying the public of the opportunity to comment on the proposed Buncombe County Air Quality Code.

WHEREAS, pursuant to Resolution No. 26-6-13, a notice announcing the opportunity for public comment on the intent to adopt the Buncombe County Air Quality Code was published in the Asheville Citizen Times on June 17, 2026. The thirty (30) day comment period ended on July 17, 2026. A public hearing is scheduled for July 21 at 5:30 p.m. at 200 College Street, Asheville, NC 28801.

WHEREAS, to finalize the certification, the Boad of Commissioners must adopt the Buncombe County Air Quality Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE AS FOLLOWS:

1. That pursuant to N.C. Gen. Stat. § 143-215.112(a)(1), and after public notice and hearing, the Buncombe County Air Quality Code is hereby adopted.

2. That all acts and doings of officers, employees, and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intends of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved, and confirmed.

3. Any prior resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflicts, hereby superseded and repealed.

4. This Resolution is effective on July 24, 2026.

This the 21st day of July 2026.

ATTEST

Sarah Gross

Sarah Gross, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

Amanda Edwards

Amanda Edwards, Chair

APPROVED AS TO FORM

Curtis V. Euler

County Attorney

RESOLUTION NO. 26-06-13

RESOLUTION CREATING A LOCAL AIR POLLUTION CONTROL PROGRAM AND THE BUNCOMBE COUNTY AIR QUALITY ADVISORY COUNCIL IN ACCORDANCE WITH N.C. GEN. STAT. § 143-215.112(C)(1) AND N.C. GEN. STAT. § 143-215.112(C)(4).

WHEREAS, pursuant to N.C. Gen. Stat. § 143-215.112(c)(3) and N.C. Gen. Stat. § 160A-461, Buncombe County and the City of Asheville established the Asheville-Buncombe Air Quality Agency (herein "ABAQA") as a regional air quality agency; and

WHEREAS, the ABAQA operated pursuant to an Interlocal Agreement dated July 1, 2000 between the City and County (herein "Interlocal Agreement"); and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-76, the board of commissioners may create departments and boards, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143-215.112(c)(1), subject to the approval of the Environmental Management Commission (herein "EMC"), the Buncombe County Board of Commissioners (herein "Board") is authorized to establish, administer, and enforce a local air pollution control program (herein "Air Quality Program"); and

WHEREAS, pursuant to N.C. Gen. Stat. § 143-215.112(c)(4), the Board is authorized to establish an advisory council; and

WHEREAS, Buncombe County will assume the duties and responsibilities of the ABAQA; and

WHEREAS, to accomplish the transition, the Interlocal Local Agreement establishing the ABAQA needs to be amended; and

WHEREAS, the Board has determined that it is in the best interest of the citizens and residents of Buncombe County to amend the Interlocal Agreement, establish and operate an Air Quality Program, establish the Buncombe County Air Quality Advisory Council and for Buncombe County Government to assume the duties and responsibilities of the ABAQA.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE AS FOLLOWS:

1. That Section 2 of the Interlocal Agreement be deleted in its entirety and

replaced with the following:

"(2) Duration of the Agreement: This Agreement shall become effective upon the later of the July 1, 2000 or the date of certification by appropriate State agencies. It shall be automatically renewed for successive one-year terms on July 1st each calendar year unless terminated by either party given 30-day written notice of its intention to terminate."

2. That pursuant to N.C. Gen. Stat. § 143-215.112, Buncombe County shall establish and operate an Air Quality Program, subject to certification by the EMC with the following conditions:

    a. That the Board hereby appoints the County Manager or her designee as the County's authorized agent for administering the Air Quality Program including but not limited to issuing permits, assessing civil penalties, and instituting civil actions in superior court (herein "Air Quality Director").

    b. That, staff is authorized to publish a notice notifying the public of the opportunity to comment on the proposed Buncombe County Air Quality Code. The thirty (30) day comment period begins on June 17, 2026, and ends on July 17, 2026.

3. That pursuant to N.C. Gen. Stat. § 143-215.112(c)(4) and subject to the approval of the EMC, the Board hereby establishes the Buncombe County Air Quality Advisory Council (herein "Council") as follows:

    a. The Council shall consist of five (5) members.

    b. The Board is responsible for appointing the members to serve on the Council.

    c. Members shall be appointed for three-year staggered terms. Initially, one member shall be appointed for a one-year term, two members for two-year terms, and two members for three-year terms. Thereafter, all appointments shall be made for three-year terms, each member being subject to reappointment and the privilege of serving successive terms. Any vacancy on the Council shall be filled by the Board.

    d. That the Board shall appoint the following individuals as the initial members to the Council:

        1. Joel Storrow -1 year term;
        2. Ned Guttman-2 year term;
        3. James Neely-2 year term;

4. Catilin Cook-3 year term;
5. Garry Whisnant-3 year term.

e. That the Council shall be responsible for its own internal organization such as development of bylaws and the selection of a Chair, and Vice Chair.

f. That, the Council shall have the following duties and responsibilities:
1. Conduct public hearings and review and advise on air program actions;
2. Advise the Board in developing policies and plans to improve air quality programs.
3. Participate in the appeals review process over “air quality” regulations and ordinances promulgated by the Board;
4. Review and advise the local air quality program pursuant to the local air quality ordinance;
5. Advise the Board of actions necessary to maintain a certified local air quality program, including rules, regulations and standards as promulgated by the North Carolina Environmental Management Commission and administer such rules and regulations throughout its area of jurisdiction pursuant to N.C. Gen. Stat. § 143-215.112.

4. That pursuant to the requirements of § 128 of the Clean Air Act ("CAA") and, thereby, the requirements of § 110(a)(2)(E)(ii) of the CAA, the Air Quality Director and each member of the Council shall complete a Certification of Public Interest and Disclosure of Potential Conflict of Interest on an annual basis. A majority of the Air Quality Council members represent the public interest; a majority of the members do not derive any significant portion of their income from person subject to permitting or enforcement orders under the CAA; members must provide adequate disclosure of any potential conflicts of interest.

5. That all acts and doings of officers, employees, and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intends of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved, and confirmed.

6. Any prior resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflicts, are hereby superseded and repealed.

7. This Resolution is effective upon its adoption except for Sections 2 and 3 which

are effective on July 24, 2026.

This the 16th day of June 2026.

ATTEST

Sarah Gross

Sarah Gross, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

Amanda Edwards

Amanda Edwards, Chair

APPROVED AS TO FORM

Curtis V. Euler

County Attorney

Environmental Council of the States
1250 H Street NW, Suite 850 | Washington, DC 20005
(202) 266-4920 | www.ecos.org

Date: July 13, 2026
To: The Honorable Russell T. Vought
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Re: OMB-2026-0034, Office of Management and Budget (OMB) Regulation for Federal Financial Assistance.

Dear Director Vought:

We are writing on behalf of the Environmental Council of the States (ECOS),[1] the Association of State and Territorial Solid Waste Management Officials (ASTSWMO),[2] and the Ground Water Protection Council (GWPC)[3] regarding the U.S. Office of Management and Budget (OMB) proposed rule, "Regulation for Federal Financial Assistance," in title 2 of the Code of Federal Regulations that revises existing "Guidance for Federal Financial Assistance." States appreciate the opportunity to provide comments and do have a significant number of questions and concerns. We also encourage OMB to fully consider input from individual states and other state media associations that offer additional input and suggestions.

Congress has consistently legislated a preference for states to be delegated primacy for implementing and enforcing federal programs in the nation's major environmental statutes, including the Clean Water Act (CWA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA). Congress also established a required state match for federal grant funding, and in many cases, states have overmatched federal grants for years. This expectation of federal and state funding in a cooperative federalism framework is one way that Congress has expressed its intent for a shared co-regulator and co-partner system.

States have demonstrated their commitment to environmental protection by taking responsibility for more than 90% of the primary environmental programs which can be delegated, authorized, or given primacy. The cooperative federalism framework that underlies our nation's environmental protection system depends on a strong and functional partnership between states and the U.S. EPA. Consistent application of the principles of cooperative federalism will aid co-regulators in improving effectiveness and efficiency of environmental programs while advancing our shared mission of protecting human health and the environment.

States are often the recipients of formula and pass-through federal funding for local governments or other entities which is a tangible demonstration of the cooperative federalism partnership. States may provide matching funds for federal dollars. States also work hard with communities to prepare for federal funding, such as through the State Revolving Funds, to utilize program funds in an effective and efficient manner.

[1]ECOS is the national nonprofit, nonpartisan association of state, territorial, and District of Columbia (hereinafter referred to collectively as "state") environmental agency leaders. The mission of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States.
[2] ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States).
[3] GWPC is a nonprofit 501(c)6 organization whose members consist of state ground water regulatory agencies which come together within the GWPC organization to mutually work toward the protection of the nation's ground water supplies. The purpose of the GWPC is to promote and ensure the use of best management practices and fair but effective laws regarding comprehensive ground water protection.

Chris Wells
Mississippi Department of Environmental Quality
ECOS President

Leah Feldon
Oregon Department of Environmental Quality
ECOS Vice President

Rob Singletary
Oklahoma Department of Environmental Quality
ECOS Secretary-Treasurer

James Kenney
New Mexico Environment Department
ECOS Past President

Ben Grumbles
ECOS Executive Director

States also receive competitive and discretionary funding to further human health and environmental protection goals.

States support strong fiscal management and oversight. Introducing greater uncertainty about discretionary federal funding through cancellations without appeal could increase the cost of doing business. Proposed changes that create potential delays and add uncertainty can lead to less favorable outcomes on the ground as well as delays in funding awards.

OMB originally adopted 2 C.F.R. Part 200 in 2013 to "(1) streamline [its] guidance for Federal awards to ease administrative burden and (2) strengthen oversight over Federal funds to reduce risks of waste, fraud, and abuse." 78 Fed. Reg. 78,590, 78,591 (Dec. 26, 2013). This new guidance "strengthen[ed] requirements for internal controls while providing administrative flexibility for non-Federal entities." Id. OMB summed up its purpose in adopting 2 C.F.R. Part 200 as follows:

> *In order to ensure that the public receives the most value, it is essential that [federal financial assistance] programs function as effectively and efficiently as possible, and that there is a high level of accountability to prevent waste, fraud, and abuse. Id.*

OMB's proposal to amend 2 C.F.R. Part 200 drastically diverges from its original goal of "effectively and efficiently" managing public funds, 78 Fed. Reg. 78,591, and instead embraces a concept of federal funding as a means of imposing political and policy preferences.

States have raised significant questions and a variety of concerns. Immediately below, we summarize areas for clarification or suggested revision to the proposed rule. Whereas states recognize and support OMB's stated goal of reducing recipient burden, a number of the proposed rule's changes could reduce certainty, increase the administrative burden on state environmental agencies, or introduce unclear provisions. Several comments addressing concerns about burden, certainty, and clarity are highlighted in this letter and relate to senior appointee review, addition of conditions during the period of performance, and grant termination. The appendix to this letter offers the full set of comments. Highlighted comments:

> **200.205 Federal agency merit review of proposals.**
> *(b) Pre-issuance review*.
> OMB proposes to amend 2 C.F.R. 200.205 to provide that federal agencies "must designate one or more senior appointees to conduct a pre-issuance review of all discretionary awards." 91 Fed. Reg. 32,249. This review is "to ensure that Federal award proposals selected for funding are consistent with applicable law, Federal agency priorities, and the national interest." In making this review, "senior appointees" are to apply principles such as determining that awards "demonstrably advance the President's policy priorities" and do not "promote anti-American values."
>
> In summary, the amendment would allow political appointees broad discretion to reject proposals based on their assessments that such proposals do not accord with vague concepts such as "agency priorities," "the national interest," "the President's policy priorities," and "anti-American values." Such concepts are inherently politicized and can and would be applied disparately depending on the "senior appointees" who are applying them.
>
> This change injects uncertainty and potentially significant volatility into grant programs that are intended to provide awards for consistent goals and objectives.
>
> **200.208 Specific conditions.**
> (b)(ii) *Add or remove specific conditions throughout the period of performance.*

Currently, 2 C.F.R. 200.208 authorizes federal agencies to include special conditions in federal awards as to specific recipients, at the outset of an award. OMB proposes to significantly expand this authority, including by authorizing federal agencies to add and remove specific conditions "throughout the period of performance," not only at the time of award.

Allowing one party to add new conditions to a contract during its pendency is, again, contrary to establishing an effective and efficient contractual relationship. Moreover, authorizing agencies to impose specific conditions on a program-wide basis would allow federal agencies to impose onerous restrictions on programs they disfavor from a policy standpoint, under the guise of providing "effective monitoring."

This injects further uncertainty and variability into grants, which need to have stable terms and conditions in order to be successful.

200.340 Termination and suspension.
When OMB originally adopted 2 CFR Part 200, it noted that it had included language "to allow for Federal agency termination for cause, because situations often arise beyond the Federal agency's or non-Federal entity's control which may require awards to be terminated." 78 Fed. Reg. 78,599. The current proposed amendments diverge from such reasonable and predictable financial management measures. Allowing one contractual party broad discretion to cancel its obligations at any time does not yield effective or efficient contractual relationships and increases uncertainty.

This proposed change compounds the potential for uncertainty should the administration change occur during the period of award. States recommend that the rule make clear that discretionary termination must not be for arbitrary and capricious reasons.

Proposed changes to 200.340 are of top concern among states in this proposal. They could give federal agencies the ability to terminate any federal agreement for essentially any reason, jeopardizing the legal or financial certainty of federal contracts.

States note that implementing the proposed UGR by October 1 seems unrealistic and would add to uncertainty regarding federal funding for states and their pass-through entities.

Thank you for your consideration.

Sincerely,

Ben Grumbles
Executive Director
Environmental Council of the States

Dania Rodriguez
Executive Director
Association of State and Territorial Solid Waste Management Officials

Dan Yates
Executive Director
Ground Water Protection Council

cc. Paige Hanson, U.S. Environmental Protection Agency Office of Finance and Administration

Appendix:

200.112 Conflict of interest.
Provides that recipients and subrecipients are to disclose whether any employees who worked on an application for, or proposal in support of, a resulting Federal award, *or are anticipated to work on activities under the Federal award*, were employed by the awarding Federal agency during the preceding two years prior to application submission (emphasis added). States are concerned that implementation of this revision will be difficult as its subrecipients are generally not known at the time of its application for a Federal award, nor would states know which employees will be working on any Federally funded project. States recommend that this section be clarified to either require only what is known to the applicant at the time of its application, or alternatively, that this information may be updated by the recipient to the Federal awarding agency as it becomes known during the grant period.

OMB should specify when this disclosure should be made and at what frequency.

200.202 Program planning and design.
The revised language rephrases existing requirements relating to meaningful results and statutory consistency and adds a requirement that the Federal program aligns with administration policies and priorities.

States suggest clarifying that the requirement in 200.202(a)(1)(iii) for alignment with administration policies and priorities applies to the extent that it is consistent with applicable Federal statutes.

200.203 Requirement to provide public notice of Federal financial assistance programs.
Changes to 200.303 insert significant hurdles to recipients and subrecipients. By importing commercial procurement rules directly into the grant framework, the proposed rule "shatters" significantly changes decades of regulatory history (73 FR 67651) and would force subrecipients -- such as local watershed non-profits and conservation districts operating on minimal stipends -- into complex, ongoing DHS Final Nonconfirmation (FNC) surveillance that they lack the administrative infrastructure to manage.

200.205 Federal agency merit review of proposals.
(b) Pre-issuance review.
OMB proposes to amend 2 C.F.R. 200.205 to require that federal agencies "designate one or more senior appointees to conduct a pre-issuance review of all discretionary awards." 91 Fed. Reg. 32,249. This review is "to ensure that Federal award proposals selected for funding are consistent with applicable law, Federal agency priorities, and the national interest." In making this review, "senior appointees" are to apply principles such as determining that awards "demonstrably advance the President's policy priorities" and do not "promote anti-American values."

In summary, the amendments would allow political appointees broad discretion to reject proposals based on their assessments that such proposals do not accord with vague concepts such as "agency priorities," "the national interest," "the President's policy priorities," and "anti-American values." Such concepts are inherently politicized and can and would be applied disparately depending on the "senior appointees" who are applying them.

These changes inject uncertainty and potentially significant volatility into grant programs that are intended to provide awards for consistent goals and objectives.

(b)(3)
OMB proposes that, *all else being equal, preference for discretionary awards should be given to institutions with lower indirect cost rates…*

This new sub-section includes a consideration regarding indirect cost rates and requires that all else being equal, a preference for discretionary awards be given to institutions with lower indirect cost rates. States ask that OMB consider that the indirect cost rate, which is represented as a percentage, not reflect the indirect costs. This is because the indirect cost rate percentage is applied to a distribution base, which may be salary plus fringe, total modified direct costs, or other sets of direct cost categories, and may vary from institution to institution. Therefore, the indirect cost rate alone does not indicate which institution will expend more Federal grant funds on indirect costs. States suggest applying this preference to institutions with lower projected total indirect costs for the award, rather than looking only at the indirect cost rates.

The base used to calculate indirect varies per Negotiated Indirect Cost Rate Agreement (NICRA). Using a base of direct costs vs. salary and fringe may yield the same or similar indirect cost recovery but the rates will be different. Suggest deleting rate and consider indirect costs.

200.208 Specific conditions.
(b)(ii) Add or remove specific conditions throughout the period of performance.

Currently, 2 C.F.R. 200.208 authorizes federal agencies to include special conditions in federal awards as to specific recipients, at the outset of an award. OMB proposes to significantly expand this authority, including by authorizing federal agencies to add and remove specific conditions "throughout the period of performance," not only at the time of award.

Allowing one party to unilaterally add new conditions to a contract during its pendency is, again, contrary to establishing an effective and efficient contractual relationship. Moreover, authorizing agencies to impose specific conditions on a program-wide basis would allow federal agencies to impose onerous restrictions on programs they disfavor from a policy standpoint, under the guise of providing "effective monitoring."

This injects uncertainty and variability into grants, which need to have stable terms and conditions in order to be successful.

(c)(3) Requiring additional or more detailed financial reports, which may include requiring information on payments to subrecipients, contractors and vendors;

The additional language items are usually required of a compliance monitoring review during or after a project. This could result in an increase in administrative burden without just cause, and promotes extended delay of repayment which is not in line with the proposed addition of §200.207(c).

(d)(4) Requiring additional project monitoring, which may include financial integrity-related site visits with the goal of improving the financial integrity of the program or recipient organization;

This should be developed during the pre-award phase and implemented post-award. As currently written, this is not well defined and allows federal agencies to make burdensome changes throughout Period of Performance, which is not in line with the proposed addition of §200.207(c)

(f) Program-level specific conditions. Notwithstanding any other provision of this section, the Federal agency may include program-level specific Federal award conditions, including any of the specific conditions described in paragraph (d) of this section, in any Federal award made under a Federal program that the Federal agency determines presents elevated programmatic risk related to program administration, program oversight, or effective monitoring of the use or expenditure of Federal funds by recipients or subrecipients. Federal agencies are responsible for ensuring that program-level specific Federal award conditions and performance expectations are consistent with the program design (see § 200.202 and § 200.301) and applicable law. The Federal agency may remove program-level specific conditions if it determines that the Federal program no longer presents elevated programmatic risk

OMB should define what it considers a "program-level specific condition." Would this be at the Catalogue of Federal Domestic Assistance level or would conditions be created Agency wide, and would applicants be made aware of these conditions prior to award? OMB should also define "elevated program risk" and explain the relationship to other program specific sections in the Code of Federal Regulations.

200.216 Prohibition of certain equipment, services, and systems.
Changes to (3)(b) further restrict access of recipients to use essentially any unmanned aerial systems other than the ones on the Department of Defense Blue List – primarily expensive military grade drones, the least expensive of which is $12,500 for a basic model. This precludes use of a major low-risk environmental monitoring tool. OMB should establish a low-risk drone use waiver system.

200.300 Statutory and national policy requirements.
The revised language in (a) describes general requirements and that the Federal agency or pass-through agency must ensure the award is performed in full accordance with the U.S. Constitution and Federal statutes and regulations. This language is substantially identical to the current language in 200.300(a). However, the revised sentence goes on to include a parenthetical, "including provisions protecting free speech and religious liberty, and those prohibiting discrimination," which removes "public welfare, and the environment" from the same parenthetical clause in the current regulation. The OMB's preamble does not address the removal of "public welfare, and the environment." State environmental agencies, whose missions are to protect the protect human health and the environment, recommend that phrase be retained in this rule.

200.320 Procurement methods.
Cost-reimbursement contract is not defined in section 1. OMB should include a definition of cost-reimbursement and/or a reference to another code section's definition.

200.321 Contracting with small businesses.
It is unclear what the subcategories of small businesses are. OMB should include a reference to the Federal statute or regulations that enumerates the subcategories of small businesses.

200.332 Requirements for pass-through entities.
Recommend defining reputational harm.

200.340 Termination and suspension.
When OMB originally adopted 2 CFR Part 200, it noted that it had included language "to allow for Federal agency termination for cause, because situations often arise beyond the Federal agency's or non-Federal entity's control which may require awards to be terminated." 78 Fed. Reg. 78,599. The current proposed amendments diverge from reasonable and predictable financial management measures. Allowing one party to a contractual relationship broad discretion to cancel its obligations at any time does not yield effective or efficient contractual relationships and increases uncertainty.

Changes to 200.340 introduce probably the most concerning changes into this 2 CFR 200. This basically gives federal agencies the ability to terminate any federal agreement for essentially any reason – meaning that federal contracts carry no legal or financial certainty.

This section creates even more uncertainty should administration change occur during the period of award. States would recommend that the rule minimally states that discretionary termination must not be for arbitrary and capricious reasons.

200.432 Conferences.
(b) The costs for attending conferences are allowable only if participation in the conference is expressly approved by the Federal agency and included in the terms and conditions of the Federal award.

States request that this be revised to allow Federal agencies to provide prior written approval for conference expenses after an award is made or allow for some similar flexibility during the period of the award. States and their subrecipients use Federal grant funds to attend conferences, but it is regularly the case that the terms and conditions of the award are not detailed enough to capture conference attendance, or that the award is made well in advance of the agency's identification of the need to attend a conference related to the project. Additionally, as the requirements for items of costs are flowed down to subrecipients, attendance for subrecipient staff will not have been accounted for at the time states made their grant applications. Allowing for written approval from the Federal agency after an award is made accomplishes oversight of this expense, while allowing for necessary flexibility.

200.454 Memberships, subscriptions, and professional activity costs.
Proposed revisions would require prior written approval from the Federal agency for the costs of memberships in professional, civic, business, and technical organizations necessary to fulfill the award requirements. Currently, these costs do not require pre-approval. States request that such memberships should not require prior approval where the membership can be shown to be related to performing the grant activities. Additionally, the revised regulation would disallow all costs for subscriptions to business, professional, academic, and technical periodicals, which are currently allowable. States have a number of memberships and subscriptions that are currently paid for with Federal funds. States request that subscription costs be allowed where the subscription can be shown to be related to performing the grant activities, for example those for specialized and technical subscriptions.

For both proposed revised rules 200.432 and 200.454, conferences, memberships, subscriptions, and professional activities are necessary resources that agency commissioners, executives, and staff utilize to ensure the agency stays abreast of the latest developments or changes in environmental research, environmental law, environmental technology, and environmental practices. As such, these expenses can be shown as related to and useful for performing grant activities under the agency's Federal awards. Removing these as allowable costs, requiring prior approval at the time of award, or approving individual memberships can be financially burdensome and adds unnecessary administrative work.

Changes to 200.432 and 200.454 are inefficient and set up a difficult permissions structure, where permissions for every conference attendance would require amendments to grant agreements and subawards, each likely costing more than the expense of attending the events. The effect could limit state capacity building and technical information exchange, which is critical for advancing the knowledge base for efficient program implementation, new technologies and policies, evidence-based decision making and performance based innovation.

200.461 Publication and printing costs.
States reimburse publication costs incurred by its subrecipients, where those publication costs are necessary to effectuating the project, such as establishing the credibility and thoroughness of analyses on which states rely to perform standard-setting and regulatory activities. It would be efficient and convenient to allow this practice to continue without requiring prior Federal agency approval on a case-by-case basis, which presents uncertainty for states and their subrecipients. Therefore, states request that the proposed revision be reconsidered.

NACAA
national association of clean air agencies

July 13, 2026

To: Office of Management and Budget

Re: Regulation for Federal Financial Assistance, 2 CFR Subtitle A and Parts 25, 170, 180, 182, and 200 (Docket No. OMB-2026-0034)[1]

Dear Colleagues,

The National Association of Clean Air Agencies (NACAA) offers the following comments on the Office of Management and Budget's proposed rule, "Regulation for Federal Financial Assistance," published in the Federal Register on May 29, 2026. This proposal would substantially revise the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 and related provisions, collectively referred to in the proposal as the "Uniform Grants Regulation."

NACAA is the national, nonpartisan, non-profit association of 157 air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia, and five territories. The air quality professionals in NACAA's member agencies have extensive experience administering federal grants under the Clean Air Act, and these comments are based upon that practical experience with federal financial assistance as a backbone of Clean Air Act implementation. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

I. Overview

NACAA shares OMB's stated goals of improving transparency, accountability, and oversight of federal financial assistance. Our member agencies manage critical public health programs and fully support appropriate safeguards to ensure that taxpayer dollars are used lawfully and effectively. At the same time, Clean Air Act implementation is time-sensitive and legally constrained by statutory deadlines for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) and fulfilling other core program obligations. Federal grants must therefore be administered in a manner that preserves timely, predictable funding flows and minimizes unnecessary administrative friction for state and local implementing agencies.

As currently drafted, several aspects of the proposed rule would introduce substantial new delays and burdens in the pre-award, payment, and oversight stages of the grant lifecycle, with uncertain public health benefits and a real risk of impairing state and local agencies' ability to plan, staff, and execute their Clean Air Act responsibilities. These include: (1) mandatory

[1] Available online at https://www.regulations.gov/docket/OMB-2026-0034

pre-issuance review of discretionary awards by senior political appointees; (2) expanded pre-award "risk" evaluation criteria; (3) new, discretionary termination and temporary suspension authorities; and (4) additional process requirements for payments, training and conference participation, and certain categories of allowable costs. Together, these changes may create backlogs and uncertainty that are particularly problematic for formula-based Clean Air Act funding that supports ongoing, statutory obligations and professional staffing.

NACAA respectfully urges OMB to revise the final rule to:

- Exclude the proposed senior appointee review for routine, recurring Clean Air Act formula and continuing program awards, or otherwise ensure it does not delay or disrupt timely obligations and drawdowns.
- Clarify and address concerns with the new discretionary termination and temporary suspension provisions, including providing robust due process protections and explicit safeguards for core environmental implementation grants.
- Avoid converting well-functioning, administratively light processes into prescriptive, high-friction requirements that will divert scarce state and local staff time away from substantive air quality work.

We detail these concerns and our recommendations below.

II. Senior Appointee Review and Pre-Award Risk Evaluation

A. Risk of backlogs and delays for Clean Air Act implementation grants

Proposed § 200.205 would require that a designated senior political appointee conduct a pre-issuance review of all discretionary awards, applying specified principles including consistency with federal law, agency priorities, and the "national interest." This requirement could substantially slow the grant award process across federal agencies by adding a new layer of political review to each affected award. For environmental programs, the risk is especially acute where grants support continuous statutory implementation functions, such as ambient air quality monitoring, SIP development, permitting, and enforcement, rather than one-time project funding.

Many state and local air agencies rely on predictable annual grant awards from EPA to maintain staffing, laboratory operations, data systems, and long-term planning processes under the Clean Air Act. In recent years, some EPA regions have moved toward multi-year awards and workplans to increase efficiency and predictability, a direction that the OMB proposal also encourages in concept. If each new or amended award must await a senior appointee's review—potentially across dozens or hundreds of grants per agency—the combined effect may be substantial backlogs, delayed awards, and compressed timelines for spending, hiring, and contracting. Those consequences would directly undermine OMB's stated objective of reducing recipient burden,

while making it harder for air agencies to meet fixed statutory deadlines and maintain specialized technical capacity.

NACAA therefore recommends that OMB:

- Expressly exempt formula-based and recurring program grants that implement ongoing statutory schemes such as the Clean Air Act from the senior appointee pre-issuance review requirement, or adopt a streamlined, program-level certification that can cover multiple awards at once; and
- Clarify that renewed or incrementally funded awards for ongoing programs may be processed under simplified review procedures once the underlying program has been evaluated for consistency with applicable priorities and the national interest.
- Reinforce OMB's encouragement of multi-year awards by clarifying that, where projects or implementation activities are inherently multi-year, agencies should provide multi-year funding commitments to the maximum extent practicable so that states and localities can plan, budget, and staff effectively.

B. Expanded "risk" factors and financial capacity

The proposal would also expand the list of factors federal agencies may consider when evaluating applicant risk, including a new focus on an applicant's "financial capacity" to manage high-dollar awards beyond what they have historically implemented. State and local air agencies generally have extensive experience managing federal awards, and NACAA does not oppose reasonable risk-based oversight. However, we are concerned that this provision, if applied without clear guidance, could disfavor smaller local agencies or those receiving one-time infusions of funding (for example, through supplemental appropriations) despite strong programmatic performance.

To maintain fairness and avoid unintended disincentives to invest in under-resourced areas, NACAA urges OMB to:

- Clarify that agencies must take into account an applicant's successful management of related awards and the availability of state and local matching or support, rather than focusing narrowly on award size relative to past awards.
- Emphasize that capacity concerns should, wherever possible, be addressed through technical assistance, phased awards, or enhanced reporting, not outright denial or deferral of crucial implementation funding.

III. Termination and Temporary Suspension Authorities

The proposal would revise §§ 200.340–200.343 to allow federal agencies to terminate awards at their discretion, including when an award "does not effectuate program goals, Federal agency

priorities, or the national interest as they exist at the time of termination," and to temporarily suspend awards through "stop-work"-like orders. As several analyses have noted, the proposed language does not establish minimum notice periods or a robust appeal process, and it would significantly expand agency latitude to terminate or suspend grants for reasons unrelated to recipient nonperformance.

For Clean Air Act implementation grants, this breadth and uncertainty present several problems:

- State and local agencies make multi-year staffing, planning, and infrastructure decisions in reliance on continued availability of core implementation funding. Discretionary termination or extended suspension for broad, evolving "national interest" reasons could destabilize these programs and compromise states' ability to meet statutory obligations.
- The absence of a meaningful appeal or hearing process is at odds with the cooperative federalism structure of the Clean Air Act, under which state and local agencies share responsibility for achieving national air quality goals.

NACAA recommends that OMB:

- Narrow the proposed discretionary authority so that, absent statutory direction, termination of implementation grants is limited to substantial noncompliance, material misrepresentation, or other specifically defined, serious recipient-side failures. Discourage discrete project components that have already begun from discretionary termination consideration.
- Provide categorical or presumptive protections for core environmental implementation awards under statutes such as the Clean Air Act.
- Establish clear minimum notice periods, an opportunity to respond, and access to an independent review or appeal mechanism before termination or extended suspension of ongoing formula and implementation grants.
- Clarify that, where termination is not based on recipient fault, agencies must authorize reasonable close-out and transition costs to avoid leaving states and localities with unfunded obligations, as is currently the case for terminations based on noncompliance.

These refinements would better balance OMB's understandable interest in oversight with the need for stable, predictable funding for statutory environmental programs.

IV. Administrative Requirements Affecting Training, Conferences, and Allowable Costs

NACAA appreciates OMB's efforts to address specific policy concerns around event services, advocacy, and certain types of costs. At the same time, several proposed revisions have the potential to impose disproportionate administrative burdens on Clean Air Act implementation

and on the organizations that support state and local agencies through training, technical assistance, and coordination.

A. Conferences, trainings, and event services (§§ 200.219, 200.432)

The proposal would make costs of attending conferences allowable only if participation is expressly approved by the federal agency and included in the terms and conditions of the award. NACAA and its member agencies already operate with the highest levels of stewardship of funds for training, capacity-building, and conferences that improve our workforce skills; we do not object to codifying a clear, neutral standard. However, the new requirement for express pre-approval of conference participation and related travel in the award terms and conditions is likely to be cumbersome and may not reflect how professional air quality work is actually conducted.

State and local air agencies participate in a wide range of trainings, workshops, committee meetings, and national conferences (such as NACAA meetings and specialized technical workshops) that are essential to maintaining a skilled workforce and sharing best practices on monitoring, modeling, permitting, and enforcement. Many such events arise on relatively short notice—for example, in response to new regulatory developments, pressing implementation challenges, or emerging air quality issues—and cannot always be forecast years in advance with detailed cost estimates.

NACAA therefore recommends that OMB:

- Allow agencies to approve categories of conferences and trainings (for example, "national or regional meetings of state and local air agencies and relevant professional societies") in award terms and conditions, rather than requiring event-by-event approval.
- Clarify that reasonable refreshments and working meals incidental to approved trainings and meetings are allowable when consistent with prudent stewardship of federal funds, without requiring hyper-granular pre-approval of menus or per-event line items.

B. Memberships, publications, and communication costs (§§ 200.421, 200.454, 200.461)

The proposal would tighten rules on allowable advertising, public relations, membership, subscription, and publication costs, generally making such costs allowable only when necessary to fulfill award requirements and often requiring express prior approval. NACAA's member agencies regularly rely on professional memberships (e.g., in technical societies), specialized news and policy subscriptions, and publication-related costs to carry out their Clean Air Act obligations, including staying current on regulatory and technical developments, accessing peer-reviewed research, and disseminating training and guidance materials.

The proposed revisions to § 200.454 would create new burdens for implementation of key environmental laws. Under the current Uniform Grants Regulation, reasonable costs of membership in business, technical, and professional organizations are allowable without being conditioned on prior written approval of the Federal agency. The proposal would reverse this presumption by making membership in professional, civic, business, and technical organizations allowable only if individually approved in advance by the Federal agency and otherwise disallowing such costs. In addition, in addition to longstanding exclusions against lobbying, the proposal would newly prohibit Federal funds from supporting "issue advocacy" without clarifying whether this may include supporting or opposing certain policy positions. These terms are not defined and are vulnerable to inconsistent or overbroad interpretation. NACAA is concerned that vague "issue advocacy" restrictions could chill good-faith technical communication and policy dialogue integral to implementing the Clean Air Act, and could invite burdensome, subjective reviews of routine memberships and professional activities. NACAA therefore recommends that OMB retain the existing language in § 200.454, allowing for professional memberships and deleting the new "issue advocacy" language,

While we understand OMB's concerns about using federal funds for broad public-relations campaigns, we urge OMB to:

- Confirm that professional memberships, subscriptions, and modest publication costs are allowable where they are reasonably necessary to implement a grant-funded environmental program, and that they may be approved at a programmatic level in award terms and conditions without repeated transaction-by-transaction approvals.
- Clarify that routine publication of technical reports, guidance documents, and training materials on agency websites or through low-cost online platforms is generally allowable when it implements a grant workplan commitment to data sharing, training, or public information.
- Avoid interpretations that would require case-by-case approvals for de minimis items such as printing agendas, nametags, and course materials for trainings explicitly contemplated in the workplan.
- Recognize the appropriateness of fixed-amount subawards in cases where federal funds provide partial support for discrete, measurable environmental investments (for example, replacing higher-polluting equipment with cleaner alternatives), and clarify how this aligns with any discouragement of cost-reimbursement contracts.
- Retain the existing language of § 200.454(a) or, at a minimum, to restore a clear, affirmative presumption that memberships reasonably necessary to carry out award requirements are allowable, subject to program-level approval rather than case-by-case review; and exclude the new "issue advocacy" language proposed for this section.

C. Payment justifications and E-Verify (§§ 200.303, 200.305)

The proposal would require non-state recipients and subrecipients to submit payment requests that include justifications describing the payment's purpose and specific award-related work, and would require all recipients to use the E-Verify program for employees and contractors "hired in or performing work in the United States under a Federal award." Many state and local agencies already provide detailed information with each drawdown, and multiple commenters have noted that additional justification layers, if not carefully designed, may increase administrative burden without meaningfully improving oversight.

Likewise, extending E-Verify requirements to short-term contractors such as course instructors or specialized technical consultants raises operational and privacy concerns, especially where trainings or technical projects are numerous and time-sensitive. Agencies may be forced to cancel or postpone trainings on short notice if verification processes cannot be completed in time or if mismatches are not promptly resolved.

NACAA recommends that OMB:

- Design payment justification requirements to leverage existing systems (such as ASAP) and existing documentation, avoiding duplicative, free-form narrative submissions that will be burdensome for both recipients and agencies to prepare and review.
- Provide tailored flexibility or safe harbors for entities that conduct high volumes of small contracts and trainings under environmental implementation grants, recognizing the practical challenges of applying E-Verify on compressed timelines to numerous short-term engagements.
- Coordinate with EPA and other grantmaking agencies to develop user-friendly templates, guidance, and training for both payment justifications and E-Verify obligations, and to monitor whether these provisions are causing delays or cancellations in trainings and other critical program activities.

V. Provisions on Pass-Through Entities and Subrecipients

The proposal would revise pass-through entity responsibilities, including a new requirement that pass-through entities "ensure that subrecipients do not take actions that could significantly damage the reputation of the pass-through entity, awarding Federal agency, or the Federal Government."

NACAA is concerned that the proposed "reputational damage" standard is vague and could chill legitimate scientific and policy discourse. Actions that some might perceive as reputationally harmful (such as publishing critical findings about air quality problems, issuing independent risk assessments, or advocating for stronger local protections) may be central to sound environmental governance and consistent with statutory program objectives.

We therefore urge OMB to:

- Delete or substantially revise the "significant reputational damage" language to focus instead on concrete misconduct (for example, fraud, criminal activity, or egregious noncompliance with grant conditions) that clearly justifies pass-through intervention.
- Avoid formulations that could be interpreted to discourage subrecipients from engaging in good-faith scientific analysis, policy dialogue, or public communication about environmental and health risks.

VI. Recommendations and Conclusion

NACAA appreciates OMB's work to promote responsible use of federal financial assistance. Our member agencies share that commitment, and we support reasonable steps to prevent misuse of funds and to align grantmaking with statutory objectives. At the same time, we submit that the final rule must ensure that oversight mechanisms do not inadvertently degrade the speed, predictability, and effectiveness of Clean Air Act implementation at the state and local level.

Accordingly, NACAA urges OMB, in consultation with state and local agencies, to:

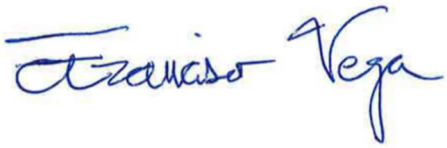
- Exempt proposed senior appointee pre-issuance review for formula and ongoing statutory implementation grants, or otherwise ensure that such review does not introduce backlogs or unpredictable delays.
- Narrow new discretionary termination and suspension authorities, and provide meaningful notice and appeal protections, especially for core environmental implementation programs.
- Calibrate new administrative requirements for conferences, trainings, payment justifications, and E-Verify to avoid undue burdens or disruptions in critical training and capacity-building functions.
- Recognize the legitimate need for professional memberships, publications, and basic communication tools integral to effective environmental program delivery in cost allowability provisions.
- Preserve sufficient certainty in award conditions and structures by limiting mid-award changes, clarifying treatment of fixed-amount subawards where appropriate, and avoiding discretionary reallocations of duly awarded funds so that state and local agencies can confidently undertake multi-year implementation and technology projects.
- Reconsider or remove vague standards such as the "significant reputational damage" language for subrecipients.

NACAA and its member agencies stand ready to work with OMB and other federal agencies to uphold accountability while preserving the timely and skillful expenditure of federal grant funds that are essential to protecting public health and air quality.

Thank you for the opportunity to provide our perspective. Please contact Miles Keogh, NACAA's Executive Director, (mkeogh@4cleanair.org) if you have any questions.

Sincerely,





Frank Steitz
New Jersey DEP
NACAA State Co-President

Fracisco Vega
Northern Nevada Public Health
NACAA Local Co-President