BUNCOMBE COUNTY
AIR QUALITY

MEMORANDUM

TO: Buncombe County Air Quality Advisory Council

FROM: Ashley Featherstone, Air Quality Division Manager

DATE: September 15, 2026

RE: Agenda for September 22, 2026

Enclosed, please find the Agenda for the Buncombe County Air Quality Advisory Council meeting to be held on **Tuesday September 22, 2026 at 3:30pm** 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.

BUNCOMBE COUNTY
AIR QUALITY

BUNCOMBE COUNTY AIR QUALITY ADVISORY COUNCIL
TENTATIVE AGENDA
SEPTEMBER 22, 2026 COUNCIL MEETING

1. **Public Comment Protocol Announcement**

2. **Adjustment and Approval of Agenda**

3. **Consent Agenda:**
   A. Approval of minutes from August 6, 2026

4. **Unfinished Business:**
   A. Approved Bylaws with Final Edits discussed at last meeting

5. **Manager's Report:**
   A. Clean Air Act Section 128 Conflict of Interest Policy and Certification Statement
   B. Transition Updates
      i. Budget and Grants
      ii. Policy updates – Non-discrimination Policy and Appeals Policy
      iii. Final Adopted Rules to be submitted to NC for inclusion in State Implementation Plan
      iv. New Board Member Orientation Document
      v. News stories and website updates
   C. Air Curtain Incinerator permitting and compliance update
   D. Monitoring Program Update
   E. Facility New Permits, Renewals, and Modifications Issued Since Last Meeting (August 6)- None

6. **New Business:**
   A. None.

7. **Other Business:**
   A. Legal Counsel Report
      i. 960 North Fork Case
   B. Calendar
      i. Next meeting November 24, 2026
   C. Announcements

8. **Public Comment**

9. **Adjournment**

BUNCOMBE COUNTY
AIR QUALITY

MEMORANDUM

TO: Buncombe County Air Quality Advisory Council

FROM: Ashley Featherstone, Air Quality Division Manager

RE: Minutes for August 6, 2026

DATE: September 15, 2026

Enclosed, please find the Minutes for the Buncombe County Air Quality Advisory Council meeting held on **Thursday August 6, 2026 at 4:00pm** The next meeting is scheduled for **Tuesday September 22, 2026 at 3:30pm** 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.

The Buncombe County Air Quality Advisory Council met on Thursday, August 6, 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	
Caitlin Cook	
Jim Neely	

Staff Present: *Ashley Featherstone, Air Quality Division Manager; 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, Senior Attorney; Jason Rogers, Permits & Inspections Director; Johanna Cano, CAPE; Jason Hyatt, Library Director; Keith Bamberger, North Carolina Department of Environmental Quality; Tess Parker, North Carolina Department of Environmental Quality; Lucas Isreal, ArtSpace Charter; Meg Novak, ArtSpace Charter; Misty Brooks, Fairview Elementary*

Joel Storrow called the meeting of the Buncombe County Air Quality Advisory Committee to order on August 6, 2026, at 4:00 pm.

The order of business was as follows:

1. **Election of Chair to Preside Over Meeting**
   A. Joel Storrow opened the floor to elect a temporary Chair to preside over the meeting until the Council considers the new by-laws and elects a permanent Chair and Vice Chair.
   B. Caitlin Cook made the motion to elect Joel Storrow.
   C. Ned Guttman seconded the motion.
   D. All present – yes
   E. The motion passed 4-0

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

3. **Introduction of New Council Member Jim Neely**
   A. Joel Storrow introduced Jim Neely. He served on the Advisory Committee for the Asheville-Buncombe Air Quality Agency for 3-4 years, so he is familiar with a lot of our procedures.
   B. Jim Neely said that he moved to this area five and a half years ago from Cambridge, Massachusetts. He worked in public service there for 37 years, which included 10 years with the State Legislature and 27 years with the Department of Environmental Protection in the Division

of Air Quality. He developed the first auto-emissions inspection program for Massachusetts, which was actually the first in the country, in 1983.

4. Adjustment and Approval of Agenda

A. Ned Guttman made the motion to approve the agenda.
B. Caitlin Cook seconded the motion.
C. All present – yes
D. The motion passed 4-0

5. Consent Agenda

A. Approval of minutes from the last meeting of the Asheville-Buncombe Air Quality Agency, which was on June 24, 2026.
B. Ned Guttman made the motion to approve the minutes.
C. Catilin Cook seconded the motion.
D. All present – yes
E. The motion passed 4-0

6. Special Presentations- In Appreciation for Participation in Project and Committee

A. WNC Post Helene Particulate Monitoring Project Participants

i. Joel Storrow, Ashley Featherstone, and Keith Bamberger from North Carolina Department of Environmental Quality Division of Air Quality (DAQ) presented certificates to partners in the post-Helene monitoring project. Ashely Featherstone thanked everyone for being at the event. She said that the organization wanted to recognize all the participants in this project. Both the State Air Program and the Local Air Program were concerned about potential debris burning after Hurricane Helene, and the effects on Air Quality. They got together with the EPA to bring in some non-regulatory particulate matter sensors, and needed areas around the county to place them. These were the organizations that stepped up for that. Ms. Featherstone went on to explain more about the program itself and how the data could be used to benefit the community. Keith Bamberger spoke on Air Quality monitoring in the area, going into its history and how data such as this was used for the Daily Air Quality Forecast.

1) ArtSpace Charter School
    a) Certificate was presented to Lucas Isreal and Meg Novak.
2) Barnardsville Fire Station 15
3) Broad River Volunteer Fire and Rescue Department
4) Edneyville Fire and Rescue
5) Fairview Elementary School
    a) Certificate was presented to Misty Brooks.
6) Fairview Public Library
    a) Certificate was presented to Jason Hyatt.
7) Hi-Wire Brewing Biltmore Village
8) Leicester Public Library
    a) Certificate was presented to Jason Hyatt.
9) Skyland/South Buncombe Library

a) Certificate was presented to Jason Hyatt.

10) Upper Hominy Fire and Rescue

B. Former Air Quality Advisory Committee Members

i. Joel Storrow recognized and presented certificates to former members of the Air Quality Advisory Committee. Ashley Featherstone explained that when the Asheville-Buncombe Air Quality Agency was reorganized, that meant we no longer had an Advisory Committee. The Committee was originally formed over 25 years ago, and the organization wanted to thank them for their support and participation. The Committee has worked on many different projects over the years. They created the Clean Air Excellence Awards and facilitated them every year, they were a great sounding board for all of the different policies, they were involved with the low cost Air Quality sensor program with the community science station, and more. Members recognized are listed below. Not all were in attendance. Staff will follow up with Jay Haney, Kevin Tipton and Ichaya Dhungel and get their certificates to them.

1) Keith Bamberger
2) Caitlin Cook
3) Ichaya Dhungel
4) Ned Guttman
5) Jay Haney
6) Jim Neely
7) Kevin Tipton

7. New Business

A. Consideration and Adoption of Bylaws for the Air Quality Advisory Council

i. Joel Storrow wanted to recognize Ashley Featherstone and Suzanne Avett for all of their hard work in the transition, including drafting the documents to establish the Council.

ii. Joel Storrow entertained a motion to approve the draft bylaws so that they could serve as the Council's guiding principles going forward.

1) Ned Guttman made the motion.
2) Jim Neely seconded the motion.
3) All present – yes
4) The motion passed 4-0

iii. Joel Storrow opened the floor for discussion.

iv. Ned Guttman asked if the bylaws could address how to give advice to Buncombe County's Board of Commissioners on air quality program matters.

v. Suzanne Avett said that she could, however she did note that she had intentionally left the language on that a bit vague to give the Council opportunities for different options.

vi. Suzanne Avett asked what mechanism the Council would like to use. Ned Guttman responded that he wasn't sure. Suzanne Avett said that right now, with the way the bylaws are written, the Council members could go to a Board of Commissioners meeting, they could draft a memo, they could officially get on the agenda and have the Chair or a spokesperson speak at a meeting, etc. There are multiple opportunities. Ned Guttman asked if, rather than making it a definitive part of the bylaws, options could be listed. Ashley Feathersone gave the example

of the rule updates that are supposed to happen annually. She said that the Board of Commissioners will need to vote on those, and so the plan is to bring the rule updates to the Advisory Council first and also have a public hearing, which would be hosted at an Advisory Council meeting. Then, this Council will send a memo to the Board of Commissioners recommending to adopt certain updates that will go in the request for board action. Ned Guttman said that he would just like to see something in the bylaws addressing that point, even if general.

vii. Suzanne Avett asked Ned Guttman if he was okay with leaving the bylaws as-is for now, and then work through the process with the Board of Commissioners as to what that may look like. Then the Council can come back with a motion to amend the bylaws in the future. Ned Guttman said that he was fine with adopting what we have, but would want an amendment in the future regarding this.

viii. Joel Storrow asked if the Council would give an annual report to the Board of Commissioners. Suzzanne Avett responded that there are aspects of other boards where there is a requirement to provide a report. For example, the Health and Human Services board has a sub-group that is required statutorily to give yearly updates. Joel Storrow and Ned Guttman said that something along those lines could be something to think about as a way to interface with the Board of Commissioners.

ix. Caitlin Cook asked if the current language allows the Council to advise the Board of Commissioners in any way. Suzanne said yes it does. For example, the Council could have that as an agenda item and then vote as to how they wanted that to occur. As many opportunities that the Council would like are available to them at this time, given the current language.

x. Jim Neely pointed out that on the second page, “Board” was mentioned, and he thought it should be Council. Suzanne Avett thanked Jim Neely for pointing that one out and said she would change it.

xi. Joel Storrow invited a motion to amend the term “Board” to “Council” in the bylaws.
    1) Ned Guttman made the motion.
    2) Jim Neely seconded the motion.
    3) All present – yes
    4) The motion passed 4-0

B. Election of Chair and Vice Chair

i. Joel Storrow said that the Council needed to elect a permanent Chair and Vice Chair for the Council.
    1) Caitlin Cook nominated Garry Whisnant for Chair.
    2) Ned Guttman seconded the motion.
    3) All present – yes
    4) The motion passed 4-0

ii. Joel Storrow moved on to the election of Vice Chair.
    1) Caitlin Cook nominated Ned Guttman for Vice Chair.
    2) Jim Neely seconded the motion.
    3) All present – yes
    4) The motion passed 4-0

iii. Joel Storrow said that, as Vice Chair, Ned Guttman should lead the rest of the meeting.

8. Manager's Report

A. Transition Update

i. EMC Certification

1) Ashley Featherstone said that her and Suzanne Avett went to the EMC meeting in Raleigh on July 8th. They received conditional certification pending the adoption of the Buncombe County Air Quality Code, which the Board of Commissioners adopted on July 21st.

ii. Buncombe County Air Quality Code Adopted

1) Ashley Featherstone reported that the Board of Commissioners adopted the code on July 21st.

iii. July 24 First Official Day of Buncombe County Air Quality (BCAQ)

1) July 24th was the first official day of Buncombe County Air Quality. That was after the 30-day notice to the City of Asheville for termination of the interlocal agreement.

iv. EPA Grant Update-Novation Process

1) As a part of the organization's grants with the EPA, some changes are having to be made. There are two unique identifier numbers that you use when you receive federal funds, and the Asheville-Buncombe Air Quality Agency had one of its own numbers that has to be switched to Buncombe County's number. With this, staff are having to go through a "novation" process. Novation happens when an organization reorganizes, and the EPA had to close out the organization's grants for this. Staff had to turn in financial and performance reports with three days' notice. The organization has now applied for a new 103 and 105 grant, and any funds left on the old grants will be transferred over, although staff do not know how long the process will take. The EPA told staff that we could continue to charge expenses toward these grants, even though we are technically without grants right now. Staff are working more closely with the County's grants team now and having meetings with them, and they will be the authorized representative over the grant while Ashley Featherstone will continue to be the technical project manager, and Hannah Rhodes will continue to be the administrative contact.

v. New Member Orientation Document

1) Ashley Featherstone said that her and Suzanne Avett had talked about wanting to have a document similar to the New Board Member Orientation Document that existed for the prior Board. They thought they would take the previous document and update it for the new Advisory Council. That new document has not been drafted yet.

B. Proposed Changes to Office of Management and Budget's proposed rule "Regulation for Federal Financial Assistance" (2 CFR Part 200 and related provisions)

i. Ashley Featherstone first talked about the Clear Air Act, as it also dealt with the transition, and then she returned to this topic.

ii. Ashley Featherstone said that the Council had talked about these proposed changes to the Office of Management and Budget's proposed rule regulation for federal financial assistance the last time they met. Staff did see some comment letters from our State Environmental Associations and our National Air Quality Association. There were tens of thousands of comments submitted on this proposal, and we do have some questions about how the proposed changes could potentially impact the organization. But at this time, we don't have anything beyond these comments. We will wait and see what the federal administration passes as a final rule, seeing as this was just a proposal.

C. Clean Air Act Section 128 requirements for BCAQ
   i. Staff have drafted a policy and have disclosure forms for Ashley Featherstone and Council members to sign. It is a requirement of anyone that has any authority over permitting and enforcement programs under the Clean Air Act to sign an annual statement and disclose any potential conflicts of interest, specifically if they have any interest in businesses that could be regulated under Air Quality rules.
   ii. Ashley Featherstone said that she has drafted the documents to be signed, and Suzanne Avett is reviewing them. They should be ready for the Council members to sign them at the next board meeting. It does use the same language as the State's document.

D. Monitoring Update
   i. Steve Ensley did not go over monitoring data completeness as there had been no changes since the last report.
   ii. Steve Ensley said we have an update about the AB Tech monitoring site. They are hopefully going to pour the concrete pad tomorrow. The building is set to be delivered on the 19th. We will see how quickly we will get the equipment in it running. We would like to get data for this year.
   iii. There is an update on the Particular Matter standard that was updated by EPA and subject to litigation.
      1) On June 26th, the U.S. court of Appeals for the District of Columbia Circuit upheld the 2024 Biden PM2.5 national ambient air quality standards (NAAQS) in a unanimous ruling in *Commonwealth of Kentucky, et al. v. EPA*.
      2) Then on July 17th the U.S. District Court for the Northern District of California rejected agency efforts to delay implementing the standards, ruling in litigation brought by Democratic states and environmentalists to set a February 6, 2027, deadline to designate areas of the county in nonattainment with the PM2.5 limit.
      3) What is next Is that officials indicated that they may ask the D.C. Circuit for *en banc* rehearing of the *Kentucky* decision, or appeal the case to the Supreme Court.
      4) The Agency could ask the high court for an emergency injunction to block implementation of the Biden NAAQS, pending the court's consideration of a potential petition for *certiorari*.
      5) The EPA could opt to file an emergency petition for an injunction directly in the Supreme Court, in which case such set deadlines do not apply.
      6) The EPA could choose to request that the district court stay its deadline, or appeal the district court decision to the 9th Circuit.
      7) Another, much slower option would be for the EPA to conduct a regular statutory review of the PM NAAQS, for both PM2.5 and the larger PM10, which is now overdue under the Clean Air Act's (CAA) five-year cycle.
   iv. Caitlin Cook said that a UNCA student has been hard at work on the equipment they have on loan from BCAQ. She hopes to give another update on it at the next meeting.
   v. Ashley Featherstone recognized Jason Rogers for helping us get the process moving on the Ozone Monitoring site.

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.

i. Ashley Featherstone said that we issued seven permit renewals at the end of July, when they were set to expire.
ii. Ashley Featherstone said that staff have put the permit renewals into a report to the Council to keep members in the loop and let them know what kind of permits are being issued. That way, anyone that is interested can also see it on the agenda in case they have questions, which she is glad to answer.
iii. Ashley Featherstone noted that staff have a couple permits in house at this time, but getting these seven renewals out was a big push. It was a busy month for staff.
iv. Ned Guttman commented that he appreciated the organization updating Council members what staff are working on.
v. Caitlin Cook asked if people were happier with the new process and the fact that they don't have to wait for the Board to approve things? Ashley Featherstone answered that it is a little too early to say. Statutorily, Small and Synthetic Minor permits are required to be issued in 90 days, and we were getting them out pretty well in 60 days, because we were revolving around the board's schedule to meet every other month. With that, she doesn't think that Board approval was really holding things up. However, when we do get a permit that comes in in-between Council meetings, that probably will be more convenient. It's a little early to say at this point, but it will likely help with some flexibility.

9. New Business:

A. None, was gone over above.

10. Other Business:

A. Legal Counsel Report
   i. Suzanne Avett said that the main part of her report would be the Council's by-laws, which were just approved, and the Conflict of Interest document signatures, which she needs to review and then get to Council members for their signatures.
   ii. Ned Guttman asked if the document would be something Council members could sign digitally. Suzanne Avett answered that yes, those could be sent out digitally.
   iii. Ashley Featherstone asked if the signatures needed to be wet ink, or if an electronic signature in a PDF would be sufficient. Suzanne said that the best option would probably be to sign the document with wet ink, and then scan and email it back. If Council members had issues with that, they could let her know and she can help coordinate. There are ways in which electronic signatures are accepted and the County may have some tools available to them to make sure that works.
   iv. Ashley Featherstone said that members can also come by the office to sign, or staff could be sent out to make it more convenient to get the signatures.
B. Calendar
   i. The Council discussed the best days and times for the next two meetings.

ii. The next meeting will be Tuesday September 22, 2026 at 3:30pm.
iii. The meeting after that will be Tuesday November 24, 2026 at 3:30pm.
iv. Joel Storrow made a motion to accept those two meeting days/times.
v. Caitlin Cook seconded the motion.
vi. All present – yes
vii. The motion passed 4-0

C. Announcements
   i. Hannah Rhodes will be starting maternity leave at the beginning of September, or sooner.

11. Public Comment

A. None

12. Adjournment

A. Joel Storrow made the motion to adjourn the meeting.
B. Jim Neely seconded the motion.
C. All present – yes
D. The motion passed 4-0
E. The meeting was adjourned at 4:46pm

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 by-laws for the Buncombe County Air Quality Advisory Council in compliance with state law and county regulations and to establish an annual review of by-laws.

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)(4) 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 until his or her successor is elected. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year. The Chair and Vice Chair are subject to reappointment and the privilege of serving successive terms. 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 Council; the Director is not a member of the Council. 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. Council Meetings

1. **Regular Schedules**
   The Council shall hold a regular meeting 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 emailed or delivered to the Chair and all the Council members 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 Council 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 Council 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 Council 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 Council 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.

MEMORANDUM

To: Buncombe County Air Quality Council

From: Ashley Featherstone, Division Program Manager

Date: 8/6/2026

Re: Clean Air Act Section 128 Procedures for Conflict of Interest

Purpose

Per Chapter 1 . 0110, of the Buncombe County Air Quality Code (BCAQ Code), 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 Air Quality Advisory Council (AQC) shall complete a Certification of Public Interest and Disclosure of Potential Conflict of Interest Statement 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.

North Carolina Environmental Management Commission Resolution 2026-01 addresses the provisions and also states that the head of an executive agency with similar powers to approve permits and enforcement orders is subject to the conflict of interest disclosure provisions, and that 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.

Delegation

Chapter 1. 0105, Delegation of Authority, states that the Director may delegate issuance of permits to the supervisory level as deemed appropriate.

Certification

Attached is the certification required by this procedure. The Director, AQC members, and any other delegated staff members of the Air Quality

Division shall review and sign the attached certification statement on or before July 31 of each year or upon such delegation or appointment to the Council. The Director shall cause to be posted on the BCAQ website a notice that all certifications of public interest are available for public inspection pursuant to the North Carolina Public Records Act.

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Air Quality Advisory Council Orientation

Welcome and thank you for your commitment to serve on the air quality agency board! More information about the role and agency are included here.

Mission and Purpose

The mission of the Asheville-Buncombe Air Quality Agency is to protect and monitor the area's air quality to safeguard the public health and the environment.

The agency was established as part of an interlocal agreement by Buncombe County and the City of Asheville pursuant to the provisions of North Carolina General Statute Sections 160A-461, 160A-464, and 143-215.112 (c)(3) for the purpose of developing and administering an air quality program in their respective jurisdictions. The agency is one of three local air pollution control programs certified by the North Carolina Environmental Management Commission to implement air quality regulations and programs.

What does the local air agency do?

The Agency is responsible for implementing the delegated provisions of the federal, state and local air quality regulations in Buncombe County. The program operates an air pollution monitoring network that is used to determine whether our area is in compliance with the national ambient air quality standards (NAAQS). A permitting and inspection program ensures that industrial facilities, gas stations, dry cleaners, grading contractors, and asbestos removal activities comply with all applicable air quality regulations that are put in place to protect the public health and welfare. Additionally, the Agency responds to air quality related complaints (dust, smoke, open burning, odors), offers compliance assistance, education and outreach services, and works with community partners on voluntary pollution prevention programs. The Agency also maintains an indoor air quality webpage for resident inquiries and has partnered with other programs to distribute free radon test kits.

Governing Body

The Agency is overseen by an independent board of five members, of which three are appointed by the Buncombe County Commission, and two by the Asheville City Council. Terms are 6 years.

Board Member Duties

The Buncombe County Air Quality Advisory Council conducts public hearings and reviews and advises on air program actions; advises the Board of Commissioners in developing policies and plans to improve air quality programs; participates in the appeals review process over air quality regulations and ordinances promulgated by the Board of Commissioners; reviews and advises the local air quality program pursuant to the local air quality ordinance, and advises the Board of Commissioners of actions necessary to maintain a certified local air quality program. To accomplish these duties, the Council meets bi-monthly and at other times as needed.

Meeting Schedule

The Air Quality Council meets in person, bi-monthly on the second Tuesday at 3:30 pm and at other times as warranted. The regular meeting location is the board meeting room at 35 Woodfin Street in Asheville. The time commitment is estimated at 2 to 3 hours every other month. This is a volunteer appointment, not a paid position.

More information

For more information, please contact Ashley Featherstone, Division Manager, at 828-250-6778 or ashley.featherstone@buncombenc.gov. More information is also available on our website at www.buncombenc.gov/air, minutes, and live streams of the meetings are on the Engage Buncombe site at https://engage.buncombecounty.org/s8486.

Council members may access the internal board SharePoint site that includes all policies, rules, related links and other useful information at https://buncombecountync.sharepoint.com/sites/SP-AIR-Asheville-BuncombeAirQualityAgencyBoard.

Asheville-Buncombe Air Quality Agency is now Buncombe County Air Quality

Same service, new name!

Air Quality *Posted on September 04, 2026 | Last Updated on September 04, 2026*

To continue its mission to protect and monitor the area's air quality, despite challenges associated with federal grant funding, the Buncombe County Board of Commissioners adopted a resolution in June to create a local air quality program under its governance. Buncombe County Air Quality, a division of Permits and Inspections, has assumed the duties of the former Asheville-Buncombe Air Quality Agency.

This change required that the Board reform the local agency's governing board to be an advisory council and adopt the air quality code with updates to the governing structure in Chapter 1. The restructured program has received certification from the North Carolina Environmental Management Commission. These changes went into effect on July 24, 2026.

What does this change mean for you?

There will not be many visible changes regarding how Buncombe County Air Quality operates, including the air quality monitoring stations, permitting and inspections program, complaint investigations, permit fees, education and outreach, or contact information.

Buncombe County Air Quality does have a new website www.buncombenc.gov/air, but the former site www.abairquality.org will continue to direct to that site.

The Asheville-Buncombe Air Quality Agency governing board was responsible for approving industrial source permits. Going forward, the Division Manager of Buncombe County Air Quality has been delegated authority by the Board of Commissioners to issue industrial source permits. Permits issued will be reported to the Air Quality Advisory Council and can be seen on the Engage Buncombe website in meeting agendas and minutes.

New Advisory Council

The Asheville-Buncombe Air Quality Agency Governing Board was reformed as the Buncombe County Air Quality Advisory Council (AQC), which will hear appeals of permits and other agency actions, advise the Board on technical matters related to air quality, air quality standards and rule updates, and other air quality matters.

Continued Commitment

It is our goal to continue this program to protect and monitor the area's air quality to safeguard the public health and the environment for the benefit of our residents and visitors and continue to work with our clean air partners at the local, state and federal level in support of this mission. Please reach out by emailing airquality@buncombenc.gov or calling 828-250-6777 if you have questions. We welcome suggestions on how we can serve you better.

Buncombe County Air Quality Recognizes Post-Helene Monitoring Partners and Former Advisory Committee

Air Quality *Posted on September 08, 2026 | Last Updated on September 08, 2026*

Buncombe County Air Quality recognized local partners who hosted post-Helene air monitors and former advisory committee members at a special meeting.

WNC Post-Helene Particulate Monitoring Project



Tropical Storm Helene left a lot of vegetative debris in the region, much of which was burned during the cleanup process. These burns release fine particulates into the atmosphere. To better monitor the potential impacts of these burns, Buncombe County Air Quality (BCAQ) partnered with DAQ and the EPA to deploy monitors and sensors across the County where we don't currently have coverage. Several organizations responded to the call and allowed these monitors to be placed at their facilities. These monitors provides new data to see how smoke events may be impacting their communities in real time.

The Air Quality Index (AQI) is generated from data collected at monitoring sites throughout Western North Carolina and reports air quality for two pollutants, ground-level ozone and fine particulates. Fine particulate pollution could be affected by smoke from open burning of storm debris or dust from storm damage. The data that is being collected with the new non-regulatory sensors can be used to strengthen the current and forecasted AQI because the sensors are in more remote settings such as Leicester, Barnardsville, Swannanoa, and others throughout the county. This new data, along with the regulatory monitoring data collected by BCAQ and DAQ is available on the EPA's AirNow fire and smoke map.

These low-cost sensors will continue to be used at these sites for at least another year.

BCAQ and DAQ would like to thank those organizations for their assistance with our post-Helene particulate monitoring project and recognize their contribution to that effort.

Participants include:

- ArtSpace Charter School
- Barnardsville Fire Station 15
- Broad River Volunteer Fire and Rescue Department
- Edneyville Fire and Rescue
- Fairview Elementary School
- Fairview Public Library
- Hi-Wire Brewing Biltmore Village
- Leicester Public Library
- Skyland/South Buncombe Library
- Upper Hominy Fire and Rescue

Recognition of Former Air Quality Agency Advisory Committee Members



At the special meeting, BCAQ also recognized the time and commitment that the members of the now-defunct committee gave over the years. In addition to the Clean Air Excellence Awards program creation and implementation, the committee assisted with several policies and initiatives, including the low-cost air sensor program and community science station, different projects with UNC Asheville including the Asheville-Buncombe Sustainable Microbrewery Initiative, reviewed and commented on the County Fire Prevention Ordinance, new board member orientation packet and advertisements, and numerous other projects over the years.

Former Members

- Keith Bamberger
- Caitlin Cook
- Ichaya Dhungel
- Ned Guttman
- Jay Haney
- Jim Neely
- Kevin Tipton