SECTION .0200 – ADVISORY COUNCIL

.0201 ESTABLISHED; COMPOSITION; TERMS OF MEMBERS

Under provisions of a resolution adopted by the Board of Commissioners, there is established the Buncombe County Air Quality Advisory Council. The Council shall consist of five members. The Board of Commissioners shall be responsible for appointing the members to serve on the Council. 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 of the Buncombe County Air Quality Advisory Council shall be filled by the Buncombe County Board of Commissioners. The Advisory Council shall have such duties and responsibilities as are set forth in the resolution establishing said Council and the Code.

.0202 INTERNAL ORGANIZATION

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

.0203 TO SERVE IN ADVISORY CAPACITY; GENERAL FUNCTIONS

The Air Quality Council shall serve in an advisory capacity to the Board of County Commissioners and the Director. It shall be its function to conduct public hearings on all matters brought before it, and subsequent to such hearings to present recommendations to the Board of County Commissioners or the Director, whichever is appropriate. Other duties include advising the Board of Commissioners and the Director on air program actions; developing policies and plans to improve air quality programs, participating in the appeals review process over air quality regulations and ordinances promulgated by the Board, reviewing and advising the local air quality program pursuant to the local air quality ordinance; and advising the Board of Commissioners of actions necessary to maintain a certified local air pollution quality program, including adoption of rules, regulations and standards as promulgated by the North Carolina Environmental Management Commission and administering such rules and regulations throughout its area of jurisdiction pursuant to N.C. Gen. Stat. § 143-215.112.

.0204 APPEALS TO AND OTHER APPEARANCES BEFORE THE COUNCIL

(a) Any person taking exception to any decision, ruling, violation notice, civil penalty, permit or Special Order issued by the Director may appeal to the Air Quality Council. The appeal must be made within 30 days of notice of the decision, ruling, violation notice, civil penalty, permit or Special Order. Any person wishing to bring a matter before the Air Quality Council shall notify the Director, in writing, and furnish all facts necessary to enable the Advisory Council to consider the matter including the following information:

(1) the date of the notice of violation, civil penalty assessment, or adverse action appealed;

(2) A brief statement of the factual and legal basis of appeal including the appellant's contentions as to whether Air Quality:

(A) exceeded its authority or jurisdiction;

(B) acted erroneously;

(C) failed to use proper procedures;

(D) acted arbitrarily or capriciously;

(E) or failed to act as required by law or rule.

To that end, any person is privileged to appear before the Advisory Board and bring representatives, consultants and witnesses to be heard relative to the matter concerning which he seeks action by the Advisory Board, provided advance notice is given to the Director of the subject matter to be considered.

(b) Any person taking exception to any decision, ruling, violation notice, civil penalty, permit or Special Order issued by the Director, after an appeal to the Advisory Board, may request judicial review of the administrative decision as provided by Chapter 1.0109.

.0204 OPINIONS NOT BINDING

Opinions rendered by the Advisory Board are not binding, but shall be recommendatory only to the Board of County Commissioners and the Director.

Buncombe County Air Quality History Note: Effective date: from and after July 21, 2026.