

**ENVIRONMENTAL MANAGEMENT COMMISSION
AIR QUALITY COMMITTEE MEETING SUMMARY
May 8, 2019
Archdale Building-Ground Floor Hearing Room
10:30 AM - 12:00 PM**



MEETING BRIEF

During their May 8, 2019, meeting, the Air Quality Committee (AQC) of the Environmental Management Commission (EMC):

- Call to Order, No Identified Conflicts of Interest.
- Approved Meeting Minutes from March 2019 Meeting.
- Heard the Department’s presentation on the methyl bromide proposed rule and fiscal note package.
- Discussed the package and unanimously approved the motion to proceed to the full Commission the next day (inclusive of a 30-day waiver recommendation).

AQC MEMBERS IN ATTENDANCE

Mr. John D. Solomon, AQC Chairman	Ms. Marion Deerhake
Mr. Charles S. Carter, AQC Vice Chair	Dr. Suzanne Lazorick
Mr. Gerard “Jerry” Carroll	Ms. Julie Wilsey

OTHERS IN ATTENDANCE

Dr. Stan Meiburg, EMC Chair	Mr. Michael Pjetraj, DAQ Deputy Director
Ms. Shannon Arata, EMC	Members of the public
Dr. Albert Robert Ruben, EMC	DAQ Staff
Mr. Philip Reynolds, EMC Counsel	

PRELIMINARY ITEMS

Agenda Item #1, Call to Order and the State Government Ethics Act, N.C.G.S. §138A-15(e)

Chairman Solomon called the meeting to order and inquired, per General Statute §138A-15(e), as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the EMC’s AQC. No conflicts were identified.

Agenda Item #2, Review and Approval of the March 2019 Meeting Minutes

Chairman Solomon asked if there were any comments on the March 13, 2019 minutes. No comments were provided. Chairman Solomon asked for a motion to approve the March 13, 2019 minutes. Commissioner Carroll made a motion to approve the minutes and Commissioner Wilsey seconded the motion. The March minutes were unanimously approved.

RULEMAKING CONCEPTS

None.

DRAFT RULES

Agenda Item #4, Request Recommendation to Waive 30-day Rule and Request Approval to Proceed to Public Hearing on Proposed Rule Adoption on Control of Emissions from Log Fumigation, 15ANCAC 02D .0546 and Rule Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 (548) (Presented by Brad Nelson, DAQ)

- *PowerPoint Presentation*
- *Rules*
- *Fiscal Note*
- *Risk Analysis and Acceptable Ambient Level Recommendation for Methyl Bromide*

Summation of Questions & Answers During the Presentation:

Chairman Solomon asked if the synthetic minor facilities were still active in methyl bromide log fumigation. Mr. Nelson responded affirmatively they were, at which time Commissioner Carroll asked a series of questions pertaining to how many log fumigation facilities are operating in North Carolina, had they fumigated in 2019, and which of the facilities are using the alternative debarking method. Deputy Director Michael Pjetraj responded that three of the five synthetic minor permit holders have operated in 2019, however he pointed out that a permitted facility may begin operations at any time. He added that two former major source applicant facilities, that have since withdrawn their applications, are using the debarking method instead of fumigating to meet export requirements.

Slides numbered 16 through 19 presented summary tables of the costs associated with the approved fiscal note and generated several questions. Commissioner Carroll asked if the net present value (NPV) was a benefit or cost for the debarking option within the fiscal note as a potential outcome of the rule's implementation. Mr. Nelson replied it represented the cost over two years; the startup year and a maintenance year. Commissioner Carroll commented for the maintenance years, a business would save \$600k with an initial investment of \$3.5 million. Mr. Nelson responded one company has been quoted in a media publication as saying debarking is cheaper compared to fumigation. Commissioner Carter had a question about the Substantial Impact Analysis value and what it represents. Mr. Nelson answered by explaining it is a value used solely for the rulemaking process as a means to determine if a fiscal note is required by taking the value of all costs and benefits to all parties and adding them together as an absolute value. If the absolute value is over a million dollars, an approved fiscal note is required.

Commissioner Carter continued to ask how the calculations in the table go from the Total Impact to the NPV of Quantified Impacts. Mr. Nelson responded the number represents the total of both years (columns) for Total Impact plus 7% interest, as if the money was not put into this industry and instead was invested in a bank or other static holding. Commissioner Carter continued with a question regarding slide number 17 about the cost of adding a stack to the fumigation facilities. He asked for clarification about why the price in the table is so high for the control estimate when the highest price for adding a stack is estimated at \$18,000. Mr. Nelson responded the stacks alone were not able to achieve the proposed AAL of 0.005 mg/m³ at the fence line of any of the facilities. Commissioner Carter then asked whether the column to the left of the cost represents the stack concentrations. Mr. Nelson explained those values are the concentrations at the fence line of the facility property as was modeled with and without a stack as the only control. None of the facilities as modeled met the proposed AAL with or without a stack as the only control installed. Commissioner Carter acknowledged this before Mr. Nelson went on to explain the facilities could choose to install a stack and increase the area within the boundary of the fence line. The reason such a scenario was not calculated in a table for the fiscal note is because there are endless factors to

be considered for each modeled scenario, which would be an inefficient use of resources in developing the fiscal note. Mr. Nelson explained the proposed control method selected was the most conservative, i.e. the one reflecting the greatest cost to potential permitted facilities impacted by this proposed rule while bringing the facilities in compliance with the proposed AAL.

Commissioner Carter asked about the percent reduction of the facilities being 90% or greater. Mr. Nelson responded by explaining the percentage is comparing the modeled fence line concentrations to one another not the concentration difference from the pollutant source. Deputy Director Michael Pjetraj commented the table represents the improved dispersion characteristics from the baseline of the current practice of opening the container doors versus the addition of a stack to disperse the pollutant. Commissioner Carter then asked if the Department expects higher than 90% improvement from the control represented by the fiscal note, more than a dispersion stack alone. Deputy Director Pjetraj responded the stack-only control did not meet the proposed AAL, but the combination of the carbon bed control technology with the stack, as a coupled system achieves the AAL for all the facilities. Mr. Nelson then finished the presentation.

After the presentation, Deputy Director Pjetraj provided a comment concerning the Departments recommendation to the AQC. On slide number 19 the second bullet point, the SAB report included a range with their recommendation for the AAL for methyl bromide. For the purpose of the fiscal note and the text in the rule, the Department did recommend the 0.005 mg/m³ value, but it is fully understood the duty of the AQC and EMC to select the final value for the proposed rule. The Department is recommending the 0.005 mg/m³ value as recommended in the range developed by the SAB during their April meeting as they indicated this value reflected their highest degree of certainty in their recommended range of 0.005 to 0.002 mg/m³ for the Commission's consideration.

Chairman Solomon asked a series of questions on slide number 19 pertaining to the fiscal note. Chairman Solomon commented the value of the bark, from debarking, yields a net positive value, but from his experience with compost material the value estimated, and the value realized for the product is not always the same. He asked if industry was directly contacted for the value estimate of bark for development of the fiscal note. Mr. Nelson responded he visited several North Carolina suppliers for bark to come up with an average value. Chairman Solomon asked again if any industry people were called on the phone. Mr. Nelson responded he did not. Chairman Solomon commented that based on his experience with compost, the value realized is closer to one third of the price estimated, but he was unsure if the same is true for bark as it is with compost. Chairman Solomon asked Mr. Nelson to clarify if the value for bark as represented in the fiscal note is a reasonable benefit, an appreciable benefit on the positive side. Chairman Solomon asked about a scenario where logs are trucked to another port outside of North Carolina to be fumigated there. He asked Mr. Nelson if a scenario was created in the fiscal note where the logs are no longer fumigated, debarked, or trucked out of state. The trees just go without being harvested. Mr. Nelson responded the various scenarios presented in the fiscal note were deemed the most likely to occur. The loss of jobs to fumigators was calculated if the industry converts from fumigating to debarking the logs, as well as the value of work if the logs were trucked out of state.

Chairman Solomon continues by pointing out the option to facilities to consider a combination of approaches to meet the AAL requirements by adding land. He asked if Mr. Nelson considered the legal/engineering costs, modeling costs, and such built into the summations for control technology cost. Mr. Nelson responded that these costs were included in the fiscal note. Chairman Solomon pointed out the cost of purchasing or leasing lands for a facility may get quite appreciable both legally and in terms of engineering costs. Mr. Nelson responded with the installation of control technology, no purchase of new land would be necessary to meet the AAL at the fence line, but the cost of testing and modeling and paying engineering contractors was included in the fiscal note calculations.

Commissioner Carroll asked if the Department could explain the difference or relationship between the RfC (inhalation reference concentration) and the AAL value. Deputy Director Pjetraj responded by saying this was explained in the report prepared by the Department on behalf of the SAB for the commission as requested. While

he was looking for the exact reference, Commissioner Carroll continued by asking about the number of days for the exposure limits. He questioned about the 365-day limit in a year versus the 24-hour time period as in the proposed rule. Deputy Director Pjetraj responded by explaining the 24-hour averaging time reflects the application of the toxicant chronic reference values, the IRIS value as the daily continuous exposure concentration over a lifetime not resulting in deleterious health effects. Deputy Director Pjetraj stated that the AAL is set as the acceptable exposure over a 24-hour period for chronic toxicant continual exposure. Commissioner Carroll commented that the value appears applicable to a refinery or petrochemical plant which operates continuously producing continual exposure, but he did not understand why this value is being applied to these logging facilities which he states operate intermittently. Deputy Director Pjetraj replies, the determination for setting an AAL considers the level of exposure to humans outside the fence line and is not linked to a particular process or industry. The SAB considered this when working on the AAL range in the report by looking at a particular compound exposure amount an individual should be protected from. Deputy Director Pjetraj continued, this industry currently has facilities practicing intermittent use of the compound. This reflects a business decision made by the five currently permitted facilities to operate under the annual 10-ton limit of their synthetic minor permit. The permit allows them to use the compound year-round, but some have elected to use their yearly limit within a two, three, or four-month period. In developing this rule and the associated AAL, the Department considered the major permits which were presented last year triggering the public interest in this compound. One such permit application was for 140 tons a year, and at that volume of use, the Department calculated an average of 30 pounds of fumigant per container for 35 containers per day. At this usage rate, the facility would be a continuous process throughout the year.

Commissioner Carroll asked about the ability to measure this compound at the proposed AAL level through ambient monitoring. He said he is under the impression it cannot be measured with state-of-the-art technology. Deputy Director Pjetraj responded by explaining that the rule was designed to rely on dispersion modeling to determine compliance with the AAL. The Department is not requiring the permitted facilities to take ambient measurements as part of their permit compliance. Deputy Director Pjetraj went on to describe the Department's involvement with several working groups on this issue of emerging fumigation compounds. He noted that the New Jersey Department of Environmental Protection provided a presentation to the primary fumigation workgroup with results showing good relationship between actual ambient air measurements taken around the fence line of a facility and the dispersion model method they plan to use for their facility permits. Commissioner Carroll asked if New Jersey uses a lot of methyl bromide. Deputy Director Pjetraj responded that New Jersey has a port facility that performs fumigation.

Commissioner Carter asked if New Jersey did log fumigation. Deputy Director Pjetraj responded he is not sure if they are fumigating logs or not, but many things are being fumigated such as various produce. Commissioner Carter asked if methyl bromide is used for more than log fumigation and if there are still agricultural uses for methyl bromide. Deputy Director Pjetraj stated that there were other uses and as shown in the PowerPoint slides, the use of methyl bromide for agricultural spraying was an exemption to the Montreal Protocol that the EPA rulemaking process allowed to expire, so not even strawberries in the field are permitted to be fumigated. The only valid exemption still enforced by the EPA is the use of methyl bromide for quarantine and pre-shipment (QPS) of any material required to be treated before entry or exit of the country. Therefore, many produce items are treated. Deputy Director Pjetraj added that the rulemaking was focused on facilities that meet "major source" thresholds for log fumigation operations. Commissioner Carter acknowledged this, but still expresses some concern about the strawberry producers in North Carolina. Deputy Director Pjetraj stated that the Department had discussions with North Carolina's Department of Agriculture and they are not aware of any current use of methyl bromide. Mr. Nelson mentioned that the fumigant is used for tobacco exports, and Deputy Director Pjetraj emphasized any export QPS category may be fumigated under the EPA's exception.

Commissioner Carter asked if the fumigation of exports happen at the port. Mr. Nelson responded there is a permitted log fumigation facility at the port in North Carolina, so it seems they may have other types of fumigation there as well but was not sure of application or scope. Commissioner Carter asked which port, and Mr. Nelson responded the Wilmington port location. Chairman Solomon then asked if the port facility is one of the five

permitted ones within the presentation from today, and Mr. Nelson responded affirmatively. Chairman Solomon then asked Commissioner Wilsey directly if she knows something about the port facilities fumigating goods other than logs. Commissioner Wilsey admitted she is not an expert on the matter, but she is aware of facilities near the port where the site has certain bonded warehouses with special requirements inside and out. Continuing, these specialty warehouses require custom inspections and certifications and handle certain floral and agricultural products for import and export.

Chairman Solomon pointed out it may be a good discussion point to revisit this issue of specialty warehouses at another meeting or at the full EMC the next day. Commissioner Deerhake asked why rule 02Q .0711 is not included in the proposal package. Deputy Director Pjetraj explained the priority in developing the rule proposal package centered around the immediate issue of public interest relating to log fumigation operations and bringing owners and operators of those sites into compliance with the proposed AAL for methyl bromide as a HAP regardless of their variable work practices. Commissioner Deerhake asked whether there will be a need to update the 02Q .0711 rule with the newly proposed AAL, whereby Commissioner Carter also spoke up commenting this was a good question to ask. Deputy Director Pjetraj responded the way the current rule proposal package was developed was to have fumigators directly demonstrate compliance with the AAL as opposed to introducing some level of trigger into demonstrating compliance at the facility-level since the nature of log fumigation site varied greatly as far as operations and property boundaries.

Commissioner Deerhake continued with a different question about the Director's prerogative for an alternate schedule for compliance, 02D .0546(g), and notes the criteria there appears sole driven by technology availability so far as deviation from the 60-day compliance period directly written in the rule. Commissioner Deerhake added that it would be good to receive public feedback on the Director's discretion to consider an alternative timeline for installation and operation of a new control system and the associated health risks for any such delay. She points out it would be good to consider health impacts as one of the factors for the criteria of the Director's discretion since the facility would be able to continue operation while it weighs the technology choices for control. Commissioner Carroll asked whether there have been any reported health impacts within North Carolina that the Department is aware of. Deputy Director Pjetraj stated that it is a constant challenge with air quality rulemaking to quantify the monetary component of health benefits associated with improved air quality. Chairman Solomon offered clarification and asked whether there were any reported rashes or lesions from methyl bromide fumigation in the state. Deputy Director Pjetraj noted that the toxicant is an odorless and colorless gas and individuals who may have been exposed to the fumigant would not immediately experience symptoms from chronic exposures. Also, the Department was not currently aware of any cases arising from methyl bromide exposures in the state.

Commissioner Carroll asked for clarification regarding the Department's modeling tool and whether the permittee can utilize their own model for the permit approval process. Deputy Director Pjetraj explained the permitting process where the state-of-the-art model is used, AERMOD (EPA preferred and recommended¹), by the Department free of cost to the applicant, or the permittee may privately contract their modeling demonstration to be submitted to the Department's review engineer. Commissioner Carter asked whether this is unusual or typical practice for a new rule concerning 60 days as the written requirement for compliance with the new AAL in the rule proposal package. Mr. Nelson responded that the rule states 60 days. Deputy Director Pjetraj continued the explanation to the Commissioners by first reading the line from the rule about the 60-day compliance schedule, or an alternative schedule as approved by the Director. Deputy Director Pjetraj then noted that the new rules take on various compliance schedules. Also, the Department believed 60 days was an appropriate time since the permit holders were notified several times about the rulemaking efforts since July 2018.

Commissioner Carter asked about the averaging time and use of the 0.005 mg/m³ AAL [MRL 0.001 ppm] value. Commissioner Carter requested clarification of the lifetime value being used for the averaging time instead of the annual or 24-hour period. He notes IRIS only acknowledged the daily value of 0.005 mg/m³ level protective for a

¹ <https://www.epa.gov/scram/air-quality-dispersion-modeling-preferred-and-recommended-models>

lifetime of exposure, but the ATSDR Report² to be finalized in the upcoming year also includes an intermediate value of 0.078 mg/m³ [MRL 0.02 ppm] for a 14-day and a 365-day [total exposure] period over a lifetime. Neither report provides a conclusive value for acute exposure, only a chronic exposure value is provided. Deputy Director Pjetraj referred directly to the Secretaries' Science Advisory Board (SAB) Report which describes the selected AAL value and includes a discussion section concerning the averaging. Deputy Director Pjetraj continued by explaining the structure of the health-based rules for toxicants as found in the state's Toxic Air Pollutant (TAP) list³. All toxicants classified as chronic, but not carcinogenic are listed with a 24-hour averaging period representing the daily allowable dose protective of human health for those potentially exposed for over 365 days during their lifetime. On the other hand, toxicants classified as carcinogens are listed with an annual averaging time. Some toxicants may have acute, chronic, or annual averaging period AALs on the TAPs list since some compounds have multiple pathways to impact human health. Deputy Director Pjetraj stated that the chronic exposure reference level for methyl bromide is what individuals outside the fence line of the fumigation facility may experience in daily life if they found themselves living, learning, or working near a source of emissions like those reflected in the permit applications received in 2018. The 24-hour averaging time is aligned with the reference value reported by IRIS and ATSDR for a chronic toxicant, as well as all other chronic toxicants on the TAPs list.

Commissioner Carter clarified that his concerns were not about the 24-hr averaging time, but rather, the value for setting an AAL for the 24-hr averaging period. Deputy Director Pjetraj referred back to the SAB official recommendation of 0.005 mg/m³. Commissioner Carter expressed concerns regarding the fundamental disconnect about the process involving the SAB and whether or not they understood the roles of the different bodies involved in this rulemaking. Commissioner Carter was unable to listen to the SAB's April 2019 meeting; however, he specified that there appeared to be a misunderstanding of the roles between the DAQ and the SAB. Commissioner Carter suggested that some Commission members meet with the SAB to clarify roles and to denote that the Commission is the final risk management decision maker. Commissioner Carter also expressed concerns that this process did not operate with the SAB working as an independent body apart from the DAQ. This was evidenced by the consistency of the Department's proposed AAL value of 0.005 mg/m³ with that of the SAB's final recommendation.

Deputy Director Pjetraj specified that the Department has always been clear about its role and what the Commission's role is as the final risk manager. The Commission provided excellent guidance last Fall and the Department followed those steps. The DAQ started the process by presenting the IRIS⁴ value for the proposed AAL because it underwent extensive vetting by the EPA, their scientific body, and outside stakeholders. Since there was high confidence in the IRIS value, the Department presented its supporting documentation to the SAB which is similar to the development of other AALs in the past. The members of the SAB conducted their own research and review, but the Department provided the IRIS documentation because it contained the strongest scientific evidence. The 2018 ATSDR *Toxicological Profile for Bromomethane* report's comment period lasts until October 2019; however, it concurred with the IRIS chronic reference value of 0.005 mg/m³ for methyl bromide. The Department believes the SAB considered all the research in developing their recommendation. Commissioner Carter agreed that the ATSDR aligns with the IRIS value, but he believes the SAB misunderstood the averaging time and noted the 0.078 mg/m³ value is the most reasonable value for the AAL.

Chairman Solomon noted concerns with the SAB's report in regards to the differences in references between the finalized 1992 ATSDR report and the draft 2018 ATSDR report. He continued to express concerns about the SAB report being generated by the Department and given to the SAB for review and corrections. Chairman Solomon requested a clarification in the SAB Report to identify which ATSDR version is used as the basis of their decision, because the current report is unclear whether the finalized 1992 or draft 2018 report is relied upon. Chairman

² <https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=822&tid=160#bookmark06> PDF for Section 8

³ <https://files.nc.gov/ncdeq/Air%20Quality/rules/rules/D1104.pdf> see also 15A NCAC 02D .1104 and also DAQ's helpful guide for understanding HAPs vs. TAPs found at <https://files.nc.gov/ncdeq/Air%20Quality/toxics/risk/sab/aaldisc.pdf>

⁴ https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nمبر=15

Carter reiterated his concern regarding the proposed AAL value not reflecting the proper averaging time. He reiterated his understanding that the chronic value [0.001 ppm \approx 0.005 mg/m³] in the ATSDR and IRIS publications agree with one another, but the ATSDR includes an intermediate value [0.02 ppm \approx 0.078 mg/m³] for a period over 14 days and under 365 days of exposure. Commissioner Carter emphasized the difference between a lifetime value of exposure and the intermediate value. He also specified that the intermediate value between the chronic and acute values is where the proposed AAL value should be.

Deputy Director Pjetraj acknowledged that the final risk management decision rests with the Commission. He continued to explain that the scope of the rule package was to consider the current log fumigation operations and permit applications received. These operations and permit applications reflected a point source facility operating on a continual year-round, or nearly year-round basis. The Department considered a scientifically defensible AAL value and an averaging time reflective for chronic inhalation exposures. Therefore, the 24-hour averaging time was considered most appropriate and aligned with that of the other chronic toxicants on the state's TAP list. Commissioner Carrol asked whether the Department considered non-continuous seasonal operations unlike those in major source permit applications. Deputy Director Pjetraj specified that the operational differences would be modeled during the permitting process and would determine operational constraints to remain compliant with the AAL at the fence-line. In developing the AAL, the Department considered the health effects of methyl bromide and began the rulemaking process to address operations emitting the compound. The intermittent nature of an operation can be addressed as a permit limitation.

Commissioner Lazorick expressed her appreciation for the reports which have come before the AQC and noted that they were helpful clarifying in any remaining questions regarding methyl bromide log fumigation operations in North Carolina. Commissioner Lazorick expressed concerns as a physician regarding methyl bromide exposures since it is odorless, tasteless, rapidly absorbed throughout the body upon inhalation, there is a delayed symptom response, and causes harm to vital target organs. In support of the 0.005 mg/m³ proposed AAL value, it was noted that she should be comfortable placing her own family in proximity to the fumigation facilities without deleterious health effects.

Chairman Solomon noted that members of the SAB were invited to the Commission meetings; however, he was not aware of an active invitation for Commissioners to attend the SAB meetings. He continued to specify that there should be direct communication between the Commission and the SAB. EMC Chairman Meiburg concurred that it is a fair request and offers to set that up and expressed that there is no need to further discuss it. EMC Chairman Meiburg stated that he agrees with Chairman Solomon and Commissioner Carter about decisions needing to be based on science, but science alone cannot provide all the answers. He explained by saying a person's values are very much embedded in how health protective an individual happens to be. EMC Chairman Meiburg acknowledged the 0.005 mg/m³ AAL value is conservative; he agrees with Commissioner Lazorick on this particular compound because of its nature and risk it poses to public health. EMC Chairman Meiburg notes the fact in the fiscal note which caught his attention [table 8] was the number of citizens currently exposed at levels above even the intermediate ATSDR value. He continued by expressing support for obtaining public comment on the rulemaking efforts and proposed AAL without delay.

Chairman Solomon specified that if the Department believes there is an immediate health threat to the public, they should do something about it today. He referred back to the emergency rulemaking process conversation from meetings prior. EMC Chairman Meiburg specified that this is a chronic toxicant which manifests symptoms after a long period of time [latency], so it is a difficult dilemma, even for licensed professionals with a clear sense of ethics. Commissioner Carter asked whether the SAB did not accept a Commissioner to one of their meetings. Chairman Solomon responded that the SAB member(s) were going visit the Commission and that members of the Commission wanted to attend the SAB meetings. Commissioner Carter says that is an issue which needs to be pressed more in the future.

EMC Chairman Meiburg wanted direct dialogue between the SAB and the Commission. However, he wanted the SAB to retain its independence. Chairman Solomon agrees and stated that the Committee received two items: (1)

a range of values; and (2) description of the safety factors and acknowledgement the final decision as the ultimate risk managers resides with the Commission. He continued by stating that the SAB did mention in their report, similar to ATSDR, the safety factor could be off an order of magnitude in either direction, so the right number could be 0.050 mg/m³ for the AAL value. Chairman Solomon goes on to state that they have discretion to account for a lower safety factor value resulting in a higher AAL value. This is especially true when considering what other states did with their values.

Commissioner Deerhake asked whether Commissioner Lazorick's support for this rule package is to be considered as a motion. Chairman Solomon responded he has not concluded the discussion and called for a motion. Chairman Solomon stated that the risk assessment is performed in accordance with each Commissioner's professional experience and noted the different types of risks that individuals experience on a daily basis. Chairman Solomon stated that the Commission has discretion to balance the safety of the public with the value an industry brings to communities. Commissioner Carter stated that the values of other states are closer to the ATSDR value for intermediate exposure risk. EMC Chairman Meiburg specified that the question within the ATSDR paper is whether the Commission recognizes their recommendation of the intermediate value [0.050 mg/m³] or the chronic value [0.005 mg/m³] for methyl bromide which has an unknown duration of exposure to the general public.

Commissioner Lazorick stated concern for the persistence of methyl bromide in the environment and noted that she did not see that characteristic being factored into the discussion for the AAL risk management decision. Deputy Director Pjetraj acknowledged the stability of methyl bromide and explained staff have especially researched its migration into other media such as water and soil, but for this AAL standard, the primary concern is the dispersion in air beyond the fence line. Commissioner Lazorick referred back to the original presentation several meetings ago when the issue of debarking was presented as an unreasonable alternative given concern the wood would deteriorate during transportation. She asked if that is still the case since a facility has chosen debarking as an alternative to fumigation. Mr. Nelson first responded to this question to say the tolerance of receiving the debarked logs at the port of importation was the issue, where a log must have only 5% bark or 2% remaining bark for an entire container, which is nearly impossible to achieve with hand debarking tools. He goes on, a fumigated container of logs has less area for uncertainty since the logs are marked as fumigated, therefore, providing less subjectivity to the importation port's authorities to reject a shipment. Deputy Director confirmed Mr. Nelson's statement and identified two log export operators have invested in automated de-barkers. A newspaper article is available quoting the company as having appraised the automated de-barker as a good method for preparing the product for export. Mr. Nelson added that facility quoted in the article has purchased a second de-barker to keep up with production.

Commissioner Deerhake mentions the SAB did provide a range of AAL values as requested which is consistent with the process used in 1997 where the Commission received a range of value from the Air Toxics Working Group. She stated support in working within the range the SAB has provided to the Commission since they are toxicological professionals and experts. Commissioner Deerhake acknowledged the Commission could go outside the scientific recommended range, but was uncomfortable doing so with methyl bromide. Commissioner Deerhake prepared to make a motion. Commissioner Carter also has a motion to offer but says Commissioner Deerhake should go first. Chairman Solomon reiterates his support of moving forward with the process for this compound and that it should be regulated in our state, but he is not certain what value for the AAL is most appropriate; however, he feels a new Committee would lack the background and so this one should pass the motion for this rules package going to the full EMC the following day. Counsel clarifies and recommends the verbiage for the motion going forward to reflect a 30-day waiver, so the full EMC may take up the issue during the next day's meeting.

Commissioner Deerhake then made a motion to approve the draft rule as presented today to go before the full Commission and proceed to public hearing. Commissioner Lazorick seconded the motion. Commissioner Carter offered a motion to amend the range to include values up to the ATSDR's intermediate MRL value. Commissioner Deerhake disagreed with motion, however the Commission Counsel stated that Commissioner Carter may offer to amend Commissioner Deerhake's motion, which would then be voted on before Commissioner Deerhake's

motion. Commissioner Carter then moved to amend the motion on the floor to include a range of AALs from 0.002 mg/m³ to 0.078 mg/m³. There was no second to Commissioner Carter's motion and the motion failed. Commissioner Carroll commented he is concerned about the conservative value as proposed and feels torn between the discussion points presented by both Commissioner Carter and Commissioner Lazorick. Commissioner Carroll also expresses concern regarding the economic impact to local coastal communities involved in logging, but maybe with the alternative of de-barking the issue is moot so he is interested to see what comments are received from the public. Chairman Solomon agrees the number may be overly conservative, but he wants to move this forward to public comment. Counsel commented the fiscal note needs to be included in the motion for the EMC to waive its 30-day requirement as well as take the rules package and fiscal note to public comment for public hearing. Commissioner Deerhake clarified her motion to include the fiscal note as well as the proposed new rule changes. The motion was unanimously approved.

MAY EMC AGENDA ITEMS

Agenda Item #5, Request Waiver of 30-day Rule and Approval to Proceed to Public Hearing on Proposed Rule Adoption on Control of Emissions from Log Fumigation Operations, 15A NCAC 02D .0546 and Rule Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 (548) (Brad Nelson, DAQ)

This item was not heard during the Committee meeting.

INFORMATIONAL ITEMS

Agenda Item #6, Director's Remarks (made by Deputy Director Michael Pjetraj, DAQ)

Deputy Director Pjetraj announced it was State Employee Appreciation Day as announced by the Governor and gave thanks to the DEQ staff which helped with the preparation for the day's Agenda Item #4.

He also announced the new Planning Section Chief for DAQ, Randy Strait. Mr. Strait began his position at the end of March 2019. Mr. Strait has 34 years of supervisory experience in the private and public sector. He has been with the Division of Air Quality Planning Section since 2014 applying his in-depth knowledge of the Clean Air Act, federal and state air quality regulations leading efforts to update the State Implementation Plans during his tenure. Previously, he worked as the Chief Operating Officer and Director of Technical Operations at CCS and worked 22 years as an environmental consultant working for EH Pekin, TRC Environmental, and Midwest Research Institute.

MEETING ADJOURNMENT

Chairman Solomon requested a presentation for the impacts of climate change in North Carolina. Deputy Director Pjetraj responded the Department is currently researching and developing state-specific data reports to provide the Commission at the September meeting. Chairman Solomon asked for additional questions or comments, and upon hearing none, noted the next meeting of the AQC will be held July 10, 2019. Chairman Solomon adjourned the meeting.