

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS
JANUARY 14, 1991

The Board of Commissioners met at Hendersonville High School Auditorium on January 14 at 7:00 p.m. for a Public Hearing.

Present at the meeting: Chairman J. Michael Edney, Vice-Chairman Vollie G. Good, Commissioner F. Richard Baker, Commissioner Hugh D. Randall, Commissioner William McKay, Interim County Manager Jerry D. Myers, County Planner Matt Matteson, and Clerk to the Board Elizabeth W. Corn.

Commissioner Randall plans to be present but will be a little late.

CALL TO ORDER

Chairman Edney called the meeting to order and asked Commissioner Baker to lead in the Pledge of Allegiance.

INVOCATION

Rev. John Neville of Covenant Presbyterian Church gave the invocation.

PUBLIC HEARING

Chairman Edney stated that the purpose of tonight's meeting is for public hearing on two separate proposed ordinances. The first will be the proposed ordinance to establish an Environmental Advisory Board. The second will be the proposed ordinance to regulate the location, operation, and management of commercial incineration facilities.

Chairman Edney explained how the hearings will be conducted. We will begin with a staff presentation by Matt Matteson and then will hear anyone who has signed up to speak. Each person will be limited to 5 minutes to speak. The same procedure will be followed for the second public hearing.

Chairman Edney explained that there will be no formal action taken on either ordinance tonight. The next Commissioners meeting is scheduled for Wednesday, January 16 at 9:00 a.m. The following scheduled Commissioners meeting will be Monday, February 4 at 7:00 p.m. Chairman Edney stated that some action will most likely be taken at one of the two February meetings concerning these proposed ordinances.

FIRST PUBLIC HEARING

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Commissioner Baker made the motion for the Board to go into Public Hearing to hear public comment on the proposed ordinance to establish an Environmental Advisory Board. All voted in favor and the motion carried.

MATT MATTESON - Staff Comments

Mr. Matteson stated that in August 1990 the Citizens for Responsible Waste Management brought forward a request to regulate commercial waste incinerators and delivered a draft ordinance to the County Commissioners for their review, similar to one adopted in the eastern part of N.C. The draft ordinance was referred to the Henderson County Planning Board for their review. The ordinance was quickly broken down into areas and given to subcommittees for their review and possible amendments.

Mr. Matteson stated that the draft Ordinance Establishing the Henderson County Environmental Advisory Board has several key elements. Its purpose is to identify, study, analyze, and evaluate the environmental impact of projects and activities in Henderson County. The proposed Board would initiate studies of environmental issues affecting Henderson County and may make recommendations regarding those studies to the Board of County Commissioners. The Environmental Advisory Board may review permit applications and monitor permits, they would meet on a quarterly basis or otherwise as needed.

The composition of this Board is seven members to serve staggered three year terms without compensation. One of the seven will be drawn from the public at large, the remaining members shall have professional competence or substantial experience in one of the following fields: environmental science, engineering, medicine, banking, law, or agriculture.

Public Comments

The clerk called the names of those who had signed up to speak:

Lucinda Guthrie- Ms. Guthrie spoke for the ordinance and urges the Boards passage of it.

Sam Neill- Attorney Neill encouraged the adoption of the proposed ordinance.

Marian Lowry- Ms. Lowry, President of the League of Women Voters spoke for the ordinance supporting the establishment of an Environmental Advisory Board.

John Humphry- Mr. Humphry is a retired chemical engineer and an instrumentation engineer. He spoke for the ordinance stating that we need controls over the incinerator operation.

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Marvin Owens, Whorton Nelson, and Janet Chittum did not come forward to speak when their names were called.

Barry Marshall- Mr. Marshall just recently moved here from Florida. He thinks it advisable to adopt this ordinance.

H.L. Ruth, Jr.- Chairman Edney read a letter addressed to the Board from the Greater Hendersonville Chamber of Commerce asking the Board to delay formal adoption of the two ordinances until such time that they have conducted a broader study of the solid waste issues in Henderson County. Chairman Edney requested the entire letter be attached to these minutes.

David Malpass- Mr. Malpass feels that we need to have these ordinances in place so we can use them as tools.

Commissioner Randall came in during public input, at 7:25 p.m.

William A. Read- Mr. Read spoke for the ordinance stating it is a good proposal and it is time for action.

L.A. Cookman- Mr. Cookman read Bill Millers' comments, in favor of the ordinance. Mr. Miller had planned to be here and speak but was not in attendance.

Mary Jo Padgett- Ms. Padgett spoke in favor of the ordinance and encourages its passage.

There were no other speakers at this time.

Closed the first public hearing

Commissioner Baker made the motion to close the public hearing on the proposed ordinance to establish an Environmental Advisory Board. All voted in favor and the motion carried.

SECOND PUBLIC HEARING

Commissioner Baker made the motion to open the Public Hearing to receive public comment on the proposed ordinance to regulate the location, operation, and management of commercial incineration facilities. A vote was taken and the motion carried unanimously.

STAFF COMMENTS/Matt Matteson

Mr. Matteson stated that this is a proposed ordinance to regulate commercial incinerator facilities. The key points of the ordinance are as follows:

1. The proposed ordinance regulates incinerators as defined and restricts those that burn more than 250 pounds per hour.
2. There is a lengthy application process that is required

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- under the ordinance. The process includes a company description, history of the company, experience and other disclosures of the incinerator builders.
3. The ordinance requires financial proposals and insurance statements for liability.
 4. The project must have a project site design, very specific design of the site itself and the facility.
 5. There is a required technical description of a proposed project.
 6. There are safety requirements that the operator would have to disclose and satisfy before the permit could be awarded.
 7. The developer would have to prepare an environmental impact statement and also would have to list the kinds of waste that would be burnt in the proposed incinerator.

Mr. Matteson stated that the next part of the ordinance deals with an application fee, the fee being set at \$10,000 minimum and a \$200,000 maximum, fee to be set by the Board of County Commissioners.

The review process is very lengthy, it includes two public hearings, a review by staff and others if deemed necessary. The actual process would probably take a minimum of 12 months and perhaps as much as 18 months. The requirement for the development of the plant once the permit has been issued is 18 months, within the 18 month time the plant must be under construction and must be completed 24 months from that date.

Mr. Matteson then gave the technical emission standards. The county could impose a fine of \$1,000 per day for emission level or temperature violations.

The jurisdiction of the ordinance is only the unincorporated area of Henderson County, it does not include the municipalities within the county.

Mr. Matteson stated that during the Planning Board's review of the ordinance they had a great deal of assistance from the members of Citizens for Responsible Waste Management.

Mr. Matteson recognized some resource speakers; Mr. William Miller, Stephen Juchnowycz, Stan Kumor, Andy Scott, and Whorton Nelson.

William Miller - A representative of Citizens for Responsible Waste Management came forward and read comments from Mr. Miller, who was not in attendance. Mr. Millers comments were in favor of the proposed ordinance but did speak of pros and cons of incineration.

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Stefan Juchnowycz - Mr. Juchnowycz has a Masters Degree in Science and Physics and 30 years experience in research and development. Mr. Juchnowycz spoke in favor of the proposed ordinance.

Stan Kumor - Mr. Kumor holds a Ph.D. and is a chemical engineer. Mr. Kumor raised concerns in three areas; environmental impact, impact on community resources, and credentials of the partitioner. Mr. Kumor spoke for the ordinance and recommends approval of both ordinances.

Andy Scott - Mr. Scott is from the National Weather Service at the Asheville Airport. He spoke on temperature inversions and displayed a chart showing the vertical cross section of the atmosphere. Mr. Scott did not speak for or against the proposed ordinance.

Wharton Nelson - Mr. Nelson is a research chemist, has spent 33 years in research at a large engineering firm. Mr. Nelson stated that he is not in favor of the additional restrictions to be imposed on construction of a solid waste incinerator. Mr. Nelson has visited the incinerator in Galaxe, Virginia. He opposes this particular ordinance.

William Miller - Mr. Miller is an Environmental Studies Professor at UNCA and a Geologist by profession. He displayed a map showing the bowl shape of the Hendersonville/Asheville area. Mr. Miller is one of the few people who study incinerator ash. He spoke in favor of both proposed ordinances.

Marvin Owens - Mr. Owens is with the Agriculture Extension Office in Hendersonville. He does not wish to speak for or against the proposed ordinance.

Barry Marshall - Mr. Marshall spoke for the proposed ordinance, is definitely for restrictions on incinerators, for public safety.

David Malpass - Mr. Malpass is in favor of the proposed ordinance stating that the ordinance was initiated by and comes from the people of this county and represents an element of accountability.

Carole Dunn - Ms. Dunn is co-Chair of Citizens for Responsible Waste Management. She spoke in opposition of the letter from Hendersonville Chamber of Commerce that asked for delay in action. She asked that the Chamber reconsider their request until they have volunteered the same amount of time that the citizens of the county have invested in making a study. She is for the proposed ordinance.

William Read - Mr. Read spoke against the incinerator. He visited the incinerator in Galaxe, Virginia. He stated that if we must have an incinerator we want a safe incinerator and we must be sure that it is state-of-the art.

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L.A. Cookman - Mr. Cookman has an advanced degree in engineering and taught electrical engineering and nuclear physics at the university level, he also spent 30 years with IMB's research division. He stated that we cannot be too strict in regard to an incinerator.

Lucinda Guthrie - Ms. Guthrie spoke in favor of the proposed ordinance. She spoke on incineration in general.

Ed Ingle - Mr. Ingle feels that we do need a good strong ordinance here. He lives in the Mills River area and has an advanced degree in Plant Science, he grows flowers and trees. He stated that he would hate to see any garbage incinerated here from other areas.

Al Holmes - Mr. Holmes is a registered professional engineer and has a Masters Degree in Mechanical Engineering. He feels we need this proposed ordinance.

Bill Austin - Mr. Austin is from the Stoney Mountain area. He thinks the ordinance would be better than what we now have, which is nothing. He feels we need to do more recycling.

Les Leicher - Mr. Leicher is from Horse Shoe. He is for the proposed ordinance but feels that we need to do more recycling.

Chairman Edney thanked everyone in attendance for coming and especially those who spoke. He also provided an opportunity for anyone else to speak who wished to, whether or not they had signed up to speak.

Closed the second Public Hearing

Commissioner Baker made the motion to close the public hearing. All voted in favor and the motion carried.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

J. Michael Edney
J. Michael Edney, Chairman



League of Women Voters of Henderson County

HENDERSONVILLE, NORTH CAROLINA 28793

January 14, 1991

To the Henderson County Commissioners:

The League of Women Voters is a nonpartisan organization open to all citizens of voting age. We neither support nor oppose candidates or political parties; we study and act on issues.

The League believes that democratic government depends upon the informed and active participation of its citizens. We support the establishment of a citizen group to act in an advisory capacity for solid waste management and other environmental concerns in Henderson County.

Henderson County has no ordinance to regulate a commercial incineration facility. In much of the county there is no zoning which can deter the construction of such a facility. We believe that a strong, responsible incineration facility ordinance should be passed.

Marian P. Lowry
President