

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
February 20, 2008**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on February 20, 2008, at 10:15 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Mr. Lee Howard. Other Board members present were Dr. Nadir Al-Shami, Ms. Vanessa Ruffin, Mr. Ronald Thomas, and Dr. Robert Powell. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Matt Stull, Cynthia Lee, Terri Phelps, Larry Garrison, Eva Addison, Martha Hettinger, Diane Hazellief, Erin Vachon, Jenny Rhodes, Steven Gravatte, Michelle Stites, Chris Bobay, Craig Butler, Shane Corbin, Sanjay Dulabh, Shannon Clemons, Tua McDermott, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson, Stacy Fritze, and Kathryn Hargraves, and County Attorney staff member Tammy Brown.

The following guests were present: Andy Battjes, Brown-Forman; John Clark, Clark Management Company; Dennis Conniff, Frost Brown Todd; Carolyn Embry, American Lung Association; Corinne Greenberg, ICS-KY; Barbara Hall, Ford Kentucky Truck Plant; Tom Herman, Zeon Chemicals; Tim Hooker, Linebach Funkhouser; Frank Kennedy, KEC; Kevin Spangler, OxyVinyls, LP; and Paige Mosser Theriac, TECI.

### **Approval of Minutes**

The minutes of the public hearing and regular Board meeting on January 16, 2008, were approved as distributed.

### **Unfinished Business**

#### **A. Discussion of Final Report from the Fine Particle Air Quality Task Force**

Vice-Chairman Howard reported that at the January 2008 Board meeting, Dr. Powell made a presentation on the final report from the Fine Particle Air Quality Task Force (Task Force). Board members were asked to review the report and be prepared for discussion at the February Board meeting. Mr. Howard asked the Board if there were any questions regarding the final report and asked how they wanted the District to proceed with the 63 recommendations.

Mr. Williams explained the process that the District had used to evaluate, rank, and develop an implementation plan for the strategies recommended by the STAR 5.30 Stakeholder Group and the (Ozone) Air Quality Task Force. He asked the Board to grant the District at least two months to evaluate and rank the strategies.

Vice-Chairman Howard, with the consent of the other Board members, asked the District to review the 63 strategies in the final report from the Task Force and present its recommendations

to the Board in two to three months.

## **New Business**

### **A. Agreed Board Order with Clark Management et al.**

Mrs. Phelps said that the District recommends the adoption of the Agreed Board Order with Clark Management Company et al., as proposed.

**Motion:** Mr. Thomas moved to adopt the Agreed Board Order with Clark Management et al., as recommended by the District.

The motion passed unanimously.

### **B. Proposed STAR 5.30 Implementation Plan**

Mr. Williams explained that the District developed a proposed timeline to implement the 35 recommendations from the STAR 5.30 Stakeholder Group. The District evaluated the recommendations based on appropriate timing sequence and current resources to implement the strategies, and organized them chronologically into ongoing activities and four phases from 2008 to 2012. He explained the timeline in detail and stated that the plan is the District's recommendation for implementation of the 35 recommendations. He said that the District believes that all of the recommendations have merit and should be implemented over time.

Mr. Williams indicated that there may be a need for additional resources, specifically staff, to implement all of the measures from the Fine Particle Air Quality Task Force, STAR 5.30 Stakeholder Group, and Ozone Air Quality Task Force as well as the Louisville Climate Action Plan that is being developed by the Climate Change Committee and expected to be completed by the first quarter in 2009.

Mr. Williams suggested that the next step is for the Board to approve the proposed STAR 5.30 Implementation Plan, directing the District to proceed with implementation. Dr. Powell noted that several of the recommendations overlap with implementation measures in other stakeholder plans. Mr. Williams explained that the District plans to combine all of the strategies from the four stakeholder plans into one unified plan. The Board agreed that the District should implement the STAR 5.30 plan as proposed.

### **C. Amendment to Regulation 1.15 *Version of Federal Regulations Adopted and Incorporated by Reference, Version #14, Draft #1 - Proposed, October 17, 2007***

Mr. Trout said that the District recommends the adoption of Regulation 1.15, Version #14, Draft #1, dated October 17, 2007, as proposed.

**Motion:** Mr. Thomas moved to adopt amended Regulation 1.15, as recommended by the District.

The motion passed unanimously.

**D. Amendment to Regulation 5.02 Adoption and Incorporation by Reference of National Emissions Standards for Hazardous Air Pollutants, Version #17, Draft #1 - Proposed, October 29, 2007**

Mr. Trout said that the District recommends the adoption of Regulation 5.02, Version #17, Draft #2 - Proposed, Revision 1, dated February 13, 2008. This draft includes changes made by the U.S. Environmental Protection Agency (EPA) after the December 19, 2007, approval of the Policy Committee to start the Public Review process.

**Motion:** Mr. Thomas moved to adopt amended Regulation 5.02, as recommended by the District.

The motion passed unanimously.

**E. Amendment to Regulation 7.02 Adoption and Incorporation by Reference of Federal New Source Performance Standards, Version #14, Draft #1 - Proposed, October 19, 2007**

Mr. Trout said that the District recommends the adoption of Version #14, Draft #2 - Proposed, Revision 1, dated January 18, 2008. This draft includes changes made by the EPA after the December 19, 2007, approval of the Policy Committee to start the Public Review process.

**Motion:** Dr. Al-Shami moved to adopt amended Regulation 7.02, as recommended by the District.

The motion passed unanimously.

**Staff Reports**

**A. Director**

Mr. Williams reported that the Ozone Air Quality Task Force (Ozone Task Force) reconvened on January 31, 2008, due to the new violation of the 8-hour ozone standard during the summer of 2007 at the Buckner monitor. The Federal Clean Air Act obligates the District to review the contingency measures in the maintenance plan and implement at least one measure to address the new violation. The Ozone Task Force discussed the possible measures the community could pursue, including the recommendations contained in the Ozone Task Force's January 18, 2006, report. The group is expected to have several meetings during the next few months and a report will be presented to the Board. The next meeting is scheduled for February 29, 2008.

Mr. Williams reported that the District submitted two applications for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding. CMAQ funding is federal money available for communities that are either nonattainment or redesignated attainment. The first application is to fund the continuation of the District's Kentuckiana Air Education (KAIRE)

Program that has been in existence for ten years. The second application is a partnership between the District and Louisville and Paducah Railroad, which is proposing to replace two diesel-powered locomotive switch engines that operate continuously at its switching yard in the California neighborhood. Replacement of the old switch engines with new switch engines would result in a 75-80 percent reduction in diesel emissions from the switchyard.

Mr. Williams announced that the District will have a booth at the Lawn and Garden Show scheduled March 7-9, 2008, at the Kentucky Fair & Exposition Center. The District will showcase the Lawn Care for Cleaner Air program and other initiatives to improve air quality.

Mr. Williams stated the District is collaborating with the states of Indiana and Kentucky on the fine particle attainment demonstration State Implementation Plan (SIP) submittal because the area is designated nonattainment for the annual standard. The SIP submittal will address how the area will achieve attainment of the fine particle annual standard. Mr. Williams said that it is likely that attainment will be achieved by the date required. The SIP will not include any new emission reduction measures but the process to complete the SIP is required. Mr. Williams said that a public comment period and public hearing is required. He stated that based on the timing of the SIP submittal, a special meeting for the public hearing will need to be held sometime between the March 19, 2008, Board meeting and the SIP submittal deadline of April 5, 2008.

Mr. Williams reported that the Leak Detection and Repair (LDAR) Stakeholder Group has held two meetings. He said that the LDAR issue was originally a part of the proposed STAR Program regulations but action on the proposed regulation was delayed. The next LDAR meeting is scheduled for February 22, 2008. Mr. Williams stated that the group is making good progress in reviewing the issues related to LDAR, which is not solely focused on the chemical industry.

Mr. Williams said an agreement was finalized with Trinity Consultants to conduct the community's first greenhouse gas emissions inventory. The inventory is required by the Climate Protection Agreement which Mayor Abramson signed in 2005 and was sponsored by the U.S. Conference of Mayors. Mr. Williams said that over 700 cities have signed the agreement, pledging to reduce greenhouse gas emissions below 1990 levels by seven percent by the year 2012. He said that the greenhouse gas emissions inventory is expected to be completed by July or August 2008. He said that the next meeting of the Climate Change Committee is scheduled for February 28, 2008, and the six workgroup committees of the Climate Change Committee are meeting regularly.

Mr. Williams indicated that a detailed report regarding the January 15, 2008, incident at BASF Company was distributed at the meeting.

Mr. Williams reported that idling restrictions is a significant issue that emerged from each of the stakeholder groups for ozone, toxics, and fine particles. In addition, the reconvened Ozone Task Force encouraged the District to proceed as quickly as possible to begin stakeholder discussions on an idling regulation. Mr. Williams stated that he expects to convene the idling regulation stakeholder group in March 2008 to discuss idling and expects the group to meet for several months. Also, he said that he expects to present an idling regulation to the Board in the

fall 2008.

Mr. Williams reported that a new permit graph was developed to track the length of time it took to complete permits for the three main categories of permits, Title V, FEDOOP, and minor source. The graph tracks quarterly permit activity from 2004 to present. He said that he does not see any particular trends. He stated the goal is to reduce the time to process a permit to one-third of the current time.

Mr. Williams discussed the current legislative session. The District is tracking approximately 20 legislative bills that indirectly affect the environment in general or specifically air quality. He said that he would inform the Board of any notable actions regarding these issues.

Mr. Williams reported with sadness the recent passing of Joan Rhiem. Ms. Rhiem was a former Deputy Mayor under Mayor Abramson and a significant adviser to the city for many years. Ms. Rhiem was also a former Board member in the 1980s and a strong advocate for clean air initiatives, the KAIRE program, and the District's work.

Mr. Williams noted that a *Lawn Care for Cleaner Air* award was given to Board member Barbara Sexton Smith in January 2008.

Mr. Williams announced that Jesse Goldsmith, Engineering Manager, will retire from the District at the end of February 2008. Mr. Williams and Mr. Howard thanked Mr. Goldsmith for his years of service at the District and the many accomplishments achieved during his leadership.

## **B. Air Quality Data**

Mr. Williams reported that the January 2008 PM<sub>2.5</sub> readings were slightly elevated from previous readings in January, but not too far out of the typical range. Mr. Williams said that a new item, Table 4, was added to the report, that focuses on the 24-hour value. The new table was added because the Louisville area may potentially be nonattainment for the 24-hour fine particle standard. He said that the District has requested that the EPA exclude certain days of monitored data based on the exceptional events criteria.

The air quality monitoring reports were submitted for filing. A copy of each report is attached to the original minutes.

## **C. Enforcement Reports**

The enforcement reports were submitted for filing. A copy of each report is attached to the original minutes.

#### **D. Excess Emission Reports**

The January 2008 *Excess Emissions Report* was submitted for filing. A copy is attached to the original minutes.

#### **E. STAR Program Projects**

The *STAR Program Projects* report dated 2/12/08 was submitted for filing. A copy is attached to the original minutes.

#### **F. Permit Application Reports**

Mr. Williams reported that during January 2008, the Engineering Section received 32 permit applications and issued 40 permits, for a net reduction of eight permits.

The permit application reports were submitted for filing. A copy of each report is attached to the original minutes.

#### **G. Lawn Care for Cleaner Air Awards**

The list of this month's *Lawn Care for Cleaner Air Award* recipients was submitted for filing. A copy is attached to the original minutes.

#### **Next Meeting**

The next regular Board meeting is scheduled for Wednesday, March 19, 2008, at 10:00 a.m.

#### **Adjournment**

The meeting adjourned at 10:46 a.m.

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Lee Howard  
Vice-Chairman

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Jonathan L. Trout  
Secretary-Treasurer