

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
February 20, 2008**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on February 20, 2008, at 10:03 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.

General Statement, Rules, and Purpose

The Vice-Chairman read the opening announcement, rules, and purpose of the Public Hearing, which was to review one proposed Agreed Board Order and three proposed amended regulations.

1. Agreed Board Order with Clark Management et al.

Terri Phelps, Enforcement Supervisor, reviewed the proposed Agreed Board Order alleging violations of the federal asbestos abatement requirements by Clark Management Co., Inc., 1860 Mellwood, LLC, and John M. Clark, individually, and as officer of both companies (Clark Management et al.).

Ms. Phelps reported that the District and Clark Management et al. have agreed to a settlement amount of \$25,000. In addition to the penalty, the Clark parties have agreed to hire a qualified third party to conduct a comprehensive asbestos survey of the 350,000 square foot Mellwood Arts facility by April 15, 2008.

Ms. Phelps noted that in 2007 the Board approved an agreement with the asbestos contractor, Robert Alberhasky, related to one of the projects involved in the Clark Management et al. matter.

Ms. Phelps said that the District intends to recommend that the Board adopt the Agreed Board Order with Clark Management et al., as proposed, subject to consideration of any comment made during today's Public Hearing.

Statements

No statement was made.

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

Mr. Trout, Assistant Director, explained that Regulation 1.15 is being updated to identify the regulations published in the July 1, 2007, Code of Federal Regulations Title 40 (40 CFR) as the version of the federal regulations that are adopted and incorporated by reference into the District Regulations. He said that no public comment was received except that the Kentucky Division for Air Quality (DAQ) granted prior concurrence for the amended regulation. He said that the

District intends to recommend that the Board adopt the amended regulation, as proposed, subject to consideration of any comment made during today's Public Hearing.

Statements

No statement was made.

3. 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 explained that Regulation 5.02 is being updated to adopt and incorporate by reference the federal regulations in 40 CFR 61 and 40 CFR 63 published in the July 1, 2007, version of the *Code of Federal Regulations*, along with the specified *Federal Register* notices that were published after July 1, 2007. He said that no public comment was received except that the DAQ granted prior concurrence for the amended regulation.

Mr. Trout said that, after the December 19, 2007, approval by the Policy Committee to begin the Public Review process, the EPA published additional standards and amendments to 40 CFR Part 63. He explained that, because these additional changes to the federal regulations were in effect and enforceable by the EPA, the District would request that the Board also include the changes that have occurred after December 19, 2007. This would allow the District to implement and enforce these changes and affected companies would then work with the District rather than with EPA Region 4. These changes are listed in the revised Comment and Response Document, distributed today. He said that the District intends to recommend that the Board adopt the amended regulation, including the changes identified in the revised Comment and Response Document, subject to consideration of any comment made during today's Public Hearing.

Statements

No statement was made.

4. 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 explained that Regulation 7.02 is being updated to adopt and incorporate by reference the federal regulations in 40 CFR 60 published in the July 1, 2007, version of the *Code of Federal Regulations*, along with the specified *Federal Register* notices that were published after July 1, 2007. He said that no public comment was received except that the DAQ granted prior concurrence for the amended regulation.

Mr. Trout said that, after the December 19, 2007, approval by the Policy Committee to begin the Public Review process, the EPA published an additional standard in 40 CFR Part 60. He explained that, because this additional change to the federal regulations was in effect and enforceable by the EPA, the District would request that the Board also include the change that

occurred after December 19, 2007. This would allow the District to implement and enforce this change and affected companies would then work with the District rather than with EPA Region 4. This change is listed in the revised Comment and Response Document, distributed today. He said that the District intends to recommend that the Board adopt the amended regulation, including the change identified in the revised Comment and Response Document, subject to consideration of any comment made during today's Public Hearing.

Statements

No statement was made.

Adjournment

The public hearing was adjourned at 10:14 a.m.

Lee Howard
Vice-Chairman

Jonathan L. Trout
Secretary-Treasurer