

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
October 19, 2011**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on October 19, 2011, at 10:09 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Dr. Robert Powell. Other Board members present were, Dr. Nadir Al-Shami, Mr. Ronald Thomas, Mr. Bill Jacob, Ms. Bonnie Biemer, Mr. Steve Thomas and Ms. Kathy Matheny. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Lauren Anderson, Rachael Hamilton, Terri Phelps, Paul Aud, Cynthia Lee, Eva Addison, Michelle King, Matt King, Billy DeWitt, Narathip Chitradon, Chris Gerstle, Craig Butler, Karen Thorne, Shannon Hosey, Steven Gravatte, Diana Prentice, Steve Holley, Devin Cassell, Emily Tyler, Dustin Gohs, Bradley Coomes, Nick Hart, Bryan Jones and Monica Little. Also present were Assistant County Attorney Stacy Fritze Dott, and County Attorney staff member Tammy Brown.

The following guests were present: Paul Bowe, Marcus Paint Company; Tim Corrigan, Greater Louisville, Inc.; Mike DeBusschere, KEC; Brad Dillon, GD&M; Barbara Hall, Ford-Kentucky Truck Plant; Amy Lint, ADVENT Environmental; Greg Long, Ford-Louisville Truck Plant; Emily McKinney, Frost Brown Todd LLC; Sarah Scheetz, E.ON U.S.; Greg Super, Eckart America Corporation; Paige Mosser Theriac, Theriac Environmental Consultants, Inc.; and Mark Westwell, Eckart America Corporation.

Introduction

Ms. Anderson introduced three new District employees – Bradley Coomes, Environmental Coordinator in the Environmental Programs section; Nick Hart, Environmental Coordinator in the Enforcement section; and Bryan Jones, Environmental Coordinator in Air Monitoring.

Approval of Minutes

The minutes of the public hearing and regular Board meeting held on September 21, 2011, and the minutes of the Policy Committee held on October 12, 2011, were approved as written.

New Business

A. Proposed Agreed Board Order with Eckart America Corporation

Ms. Phelps said the District recommended that the Board adopt the Agreed Board Order with Eckart America Corporation, as proposed.

Motion: Mr. Ron Thomas moved to adopt the Agreed Board Order with Eckart America Corporation, as proposed.

The motion passed unanimously.

B. Committee of the Whole to consider formal rulemaking for Regulations 5.20 and 5.23

Dr. Powell said Regulations 5.20 and 5.23 were part of the STAR regulations and asked the Board to convene a Committee of the Whole meeting to allow all Board members in attendance to consider the proposed amendments to the regulations.

Motion: Mr. Jacob moved to convene a Committee of the Whole meeting to discuss the consideration of formal rulemaking for Regulations 5.20 and 5.23.

The motion passed unanimously.

Dr. Powell appointed Ms. Biemer to Chair the meeting of the Committee of the Whole.

Ms. Biemer said the purpose of the Committee of the Whole meeting was to discuss the proposed amendments to STAR Regulations 5.20 and 5.23. Ms. Hamilton said the District proposed to release Regulation 5.20 *Methodology for Determining the Benchmark Ambient Concentration of a Toxic Air Contaminant*, and Regulation 5.23 *Categories of Toxic Air Contaminants* to begin the formal public comment period. In Regulation 5.23, she said the District proposed to de-list ethyl acrylate as a carcinogenic Category I toxic air contaminant (TAC) and list it as a non-carcinogenic Category 4 TAC. Ms. Hamilton said the District would also amend the list of Category 4 TAC to be consistent with the Clean Air Act section 112(b) by listing phosphorus instead of phosphorus compounds. Another amendment was to exempt greenhouse gases from the definition of a TAC. Ms. Hamilton said the only revision to Regulation 5.20 was to include a listing that ethyl acrylate had been de-listed and the date of the action.

Ms. Hamilton reviewed the process the District used to gather information on de-listing ethyl acrylate as a carcinogen. Based on the information Ms. Hamilton presented, she said the District requested that the Board review Michigan's de-listing petition based on their actions to de-list ethyl acrylate as a carcinogen and TAC and allow it to be regulated under STAR as a non-carcinogen Category 4 TAC.

Discussion

Mr. Jacob asked when Michigan de-listed ethyl acrylate. Ms. Hamilton stated Michigan de-listed ethyl acrylate it in 2008 and their rulemaking was available to the public on their website. Also, she said Michigan's rulemaking process will be attached to the District's formal rulemaking if the Committee of the Whole approved it for release.

Dr. Al-Shami asked what industries in the community emitted ethyl acrylate, what level of exposure would be hazardous to human health and would the District benefit from de-listing ethyl acrylate. Also, he asked if the District expected industries to use more ethyl acrylate and had an industry lobbied to have it de-listed. Ms. Anderson said several Rubbertown companies use ethyl acrylate and it does have a hazard quotient number. Ms. Hamilton reviewed the risk numbers for ethyl acrylate. Ms. Anderson said the District would not benefit from de-listing ethyl acrylate, but during the review of environmental acceptability the benchmark ambient concentration will be the same as the non-carcinogenic hazard quotient. Ms. Anderson said since she has been Director she had not been lobbied to de-list ethyl acrylate, but members of the District's previous administration were approached but no action was taken.

After the review and discussion of the proposed amendments, Ms. Hamilton said the District recommended that the Committee of the Whole approve the amendments to Regulations 5.20 and 5.23 to begin the 30 day comment period.

Motion: Mr. Jacob moved that the Committee recommend to the Board that proposed amendments to Regulation 5.20 *Methodology for Determining the Benchmark Ambient Concentration of a Toxic Air Contaminant*, and Regulation 5.23 *Categories of Toxic Air Contaminants* be released for a 30 day public comment period.

Motion: Dr. Powell moved to rise and report the recommendations to the Committee to the Board, and the Committee meeting was adjourned.

Committee Report

A. Committee of the Whole

Ms. Biemer presented the Committee's recommendation to Dr. Powell to release the draft of STAR Regulations 5.20 and 5.23 for the 30 day comment period.

Dr. Powell asked the Board if they were in favor to adopt the Committee's recommendations.

All approved and the Committee's recommendations were adopted.

B. Policy Committee

Mr. Ron Thomas said the Policy Committee met September 21, 2011, to review and discuss the draft amendment to Regulation 2.08 *Fees* to update the fee amounts to reflect the change in the Consumer Price Index applicable for Fiscal Year 2012, and the draft amendments to Regulation 2.08 applicable to the STAR program fees for the Fiscal Year 2012 to be consistent with the newly adopted definitions for Group 1 and Group 2 stationary sources. Mr. Thomas said the Policy Committee approved that Regulation 2.08 *Fees* be released for the formal 30-day public comment period.

Staff Reports

A. Director

Ms. Anderson, Executive Director, announced that Dr. Powell would present information on the community's air quality at the Festival of Faiths on November 4, 2011.

Ms. Anderson reported that the District held a public hearing on October 11, 2011, at Memorial Auditorium to receive public comments on the proposed issuance of a construction permit to American Synthetic Rubber Company.

Ms. Anderson reported the District's primary outreach during 2011-12 was to promote the District's idling campaign. She presented information that provided the development of the Idling campaign, community collaborations, funding, radio advertisements and other promotional materials.

B. Air Quality Data

Mr. Anderson reported the community had experienced unseasonably warm weather which contributed to several exceedances. She said the ozone season would officially end on October 30, 2011.

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

C. Enforcement Status Report

The enforcement report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Report

The September 2011 *Excess Emission Report* was submitted for filing. A copy is attached to the original minutes.

E. Permitting Backlog Report

The permitting backlog report was submitted for filing. A copy is attached to the original minutes.

F. Lawn Care for Cleaner Air Awards

The *Lawn Care for Cleaner Air Quarterly Report* was submitted for filing. A copy is attached to the original minutes.

Next Meeting

The next regular Board meeting is scheduled for Wednesday, November 16, 2011, at 10:00 a.m.

Adjournment

The meeting was adjourned at 11:02 a.m.

Robert W. Powell, M.D.
Chair

Rachael Hamilton
Secretary-Treasurer