

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
January 21, 2009**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on January 21, 2009, at 10:02 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell. Other Board members present were Dr. Nadir Al-Shami, Ms. Barbara Sexton Smith, Mr. Ronald Thomas, Ms. Bonnie Biemer, and Mr. Bill Jacob. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Lauren Anderson, Joseph Schweinhart, Cynthia Lee, Paul Aud, Terri Phelps, Eva Addison, Larry Garrison, Jenny Rhodes, Steve Taylor, Michelle Stites, Anne Marie Gauntlett, Rick Williams, Craig Butler, Tua McDermott, Steven Gravatte, Shannon Clemons Hosey, Karen Thorne, and Monica Little. Also present were Assistant County Attorneys Stacy Fritze and Kathryn Hargraves, and County Attorney staff member Tammy Brown.

The following guests were present: Barbara Hall, Ford; Tim Hooker, LFI; Paul Howard, MACTEC; Frank Kennedy, KEC; Mike O'Connell, Jefferson County Attorney; Cheryl-Lynne Patrick, Frost Brown Todd; Kevin Spangler, OxyVinyls, LP; Lauran Sturm, Stites & Harbison, PLLC.

### **Approval of Minutes**

The minutes of the regular Board meeting on December 17, 2008, were approved with one correction.

### **New Business**

#### **A. Reformulated Gasoline**

Ms. Anderson, Executive Director, stated she submitted a written response to the Metro Council, after they passed a resolution requesting that the District evaluate the use of reformulated gasoline (RFG) in Louisville, study clean fuel alternatives to RFG, and to report to the Metro Council on the advisability of changing the type of clean fuel used in Louisville. The resolution was passed by the Metro Council after the cost of gasoline increased significantly in the summer of 2008. Ms. Anderson reviewed the information she included in the report, with the conclusion that RFG was not the factor for the increase in gas prices last summer. In addition, she stated that changing from RFG to another type of fuel would offset the current decreased amount of VOCs and NOx emissions, which would require more emission reductions from local businesses.

#### **B. Draft amendment to District Regulation 1.05, *Prevention of Significant Deterioration***

Ms. Anderson reported the purpose of the draft amendment to Regulation 1.05 is to update the regulation to be consistent with the EPA's prevention of significant deterioration (PSD) regulation. Ms. Anderson said that PSD ensures that new sources or sources installing new

equipment consider the impact of pollution and, if necessary, install best available control technology (BACT). Ms. Anderson stated the informal review process for Regulation 1.05 will begin January 21, 2009.

### **C. STAR Regulation Advance Notice of Proposed Rulemaking**

Ms. Anderson said the District will begin an Advance Notice of Proposed Rulemaking (ANPR) on January 21, 2009, to accept comments on the STAR regulations, in order to evaluate the effectiveness of the program. Comments will be accepted until February 6, 2009. Following the comment period, the District will convene a STAR Implementation Advisory Group, with diverse representation from the public and private sectors.

### **Staff Reports**

#### **A. Director**

Ms. Anderson reported that 2008 monitoring data for PM<sub>2.5</sub> standards indicates that Kentucky is in compliance. She said that one of the region's monitors, located in Jeffersonville, Indiana, is not in compliance. Ms. Anderson said the community is on track to achieve attainment for the standard, especially with the reinstatement of the federal Clean Air Interstate Rule (CAIR). Ms. Anderson said the EPA was remanded by the court to address several concerns with CAIR, which was vacated by the D.C. Circuit Court of Appeals last year.

Ms. Anderson said that the EPA has proposed a new standard for lead. The lead standard was 1.5 ug/m<sup>3</sup> and it has been lowered to 0.15 ug/m<sup>3</sup>. Ms. Anderson said the community will most likely meet the new lead standard, but the District may need to establish a new monitoring station to receive data that the EPA will accept.

Ms. Anderson stated the Climate Change Committee for the Partnership for a Green City and the various subcommittees have been meeting regularly. As a result, they have drafted a climate action report. Ms. Anderson said that after the report is finalized, it will be presented to Mayor Jerry Abramson, Jim Ramsey, President of the University of Louisville, and Sheldon Berman, Superintendent of Jefferson County Public Schools, who are local committee members of the Partnership for a Green City.

Ms. Anderson reported on several national news items. She said the EPA recently abandoned several proposals that would have made it easier for sources to demonstrate compliance with increased emissions triggering new source review/prevention of significant deterioration. Also, the EPA abandoned a proposal that would have affected how calculations are conducted for power plant emissions near national parks. Ms. Anderson said Lisa Jackson, the new EPA administrator, announced that the five most important goals for the EPA include: reducing greenhouse gas emissions, reducing other air pollutants, addressing toxic chemicals, cleaning up hazardous waste sites, and protecting water quality. Ms. Anderson reported a new trial is being petitioned for the EPA to retry the case against Cinergy, involving the Gallagher plant in Indiana, after it was learned that a witness for Cinergy was being compensated. Lastly, Ms. Anderson said the Clean Air Act has increased the federal enforcement fine, due to inflation, from \$25,000 per day to \$37,500 per day.

## **B. Air Quality Data**

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

## **C. Enforcement Status Reports**

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

## **D. Excess Emission Report**

The December 2008 *Excess Emission Reports* were submitted for filing. A copy is attached to the original minutes.

## **E. Permit Application Reports**

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

## **F. 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, February 18, 2009, at 10:00 a.m.

## **Adjournment**

The meeting was adjourned at 11:01 a.m.

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Robert W. Powell, M.D.  
Chairman

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Joseph E. Schweinhart  
Secretary-Treasurer