

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
March 21, 2007**

A public hearing of the Louisville Metro Air Pollution Control Board (Board) was called to order on March 21, 2007, at 10:00 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.

Opening Announcements

Vice-Chairman Howard read the opening announcement, rules, and purpose of the Public Hearing, which was to review two Agreed Board Orders and one amended regulation.

1. Agreed Board Orders with Tetra Tech, Inc., and Central Station, LLC

Terri Phelps, Enforcement Supervisor, summarized the issues leading to the two proposed Agreed Board Orders (ABOs) with Central Station, LLC, property owner, and Tetra Tech, Inc., environmental consultant, for alleged violations of federal asbestos abatement requirements. The alleged violations include the failure to (1) notify the District of intent to demolish and renovate, (2) adequately wet asbestos-containing material, (3) preclude access to asbestos-containing material, (4) keep asbestos-containing material wet until disposed, and (5) have trained supervisors present, as well as (6) discharging visible emissions of asbestos-containing material. The ABOs direct the companies to pay administrative penalties. Each company has agreed to the terms of its ABO.

Ms. Phelps said that Tetra Tech, Inc., and Central Station, LLC, have paid administrative settlements of \$25,000 and \$5,000, respectively.

2. Amendment to Regulation 5.21 *Environmental Acceptability for Toxic Air Contaminants*, Version #3, Draft #6 - proposed, February 10, 2007

Mr. Trout explained that the District and the STAR Implementation Advisory Group (IAG) have continued to meet to review STAR Program issues. The proposed amendments to Regulation 5.21 are the second set of changes resulting from this STAR Program review. Mr. Trout said that there are additional issues that will be discussed in the upcoming months with the STAR IAG and indicated that there may be more changes to Regulation 5.21 or other STAR Program regulations.

Mr. Trout reviewed the significant proposed changes to Regulation 5.21 that included (1) modifying the definition of “industrial property” and “permitted stationary source” related to receiving/shipping materials via the Ohio River, (2) including a definition of “target-organ-specific hazard index,” (3) identifying the U.S. Environmental Protection Agency’s (EPA’s) RACT/BACT/LAER Clearinghouse as a reference for air pollution control information, (4) modifying the information that is required to demonstrate T-BAT based upon the level of the risk, and exempting certain processes or process equipment from the T-BAT requirement up to a

total risk of 1 in one million, (5) allowing an owner/operator, when requesting a modification of an EA goal, to submit any other identified factor to the District for consideration and requiring the District to consider such other submitted factor, (6) providing that the District will decide whether to approve a request for modification of an EA goal from 26 in one million to 100 in one million instead of the Board, and (7) changing the factor for increasing an EA goal for industrial property from 4.2 to 10.

Mr. Trout said that the District received comments during the 30-day written public comment period and would not be recommending that the Board take action on the proposed regulation amendments at today's Board meeting. He said that the District will make its recommendation to the Board on the proposed changes to Regulation 5.21 at the April 2007 Board meeting.

Statements

The following individuals made statements supporting or objecting to the proposed amendments to Regulation 5.21. Oral statements were consistent with comments submitted during the 30-day written comment period.

Susan Clark, Noveon, Inc.; Dennis Conniff, Greater Louisville, Inc., Air Toxics Task Force; and Greg Brotzge, Kentucky Paint Council/Louisville Chemistry Partnership, stated their support of changes to Regulation 5.21, in particular, the proposed increase in the adjustment factor for industrial property (section 2.9 of the proposed regulation).

Steve Samuels, Jr., REACT; Martha Flack, REACT/Social Justice Committee; Carla Wallace, Braden Memorial Center; Leah McKinley, Butchertown Neighborhood Association; Carolyn Skees Franklin, resident; Tom FitzGerald, KY Resources Council; Denny Larson, Global Community Monitor; Wallace McMullen, Sierra Club; and Eboni Cochran, REACT, stated their opposition to changes to Regulation 5.21, in particular to the increased adjustment factor for EA goals for industrial property (section 2.9 of the proposed regulation).

Adjournment

The public hearing adjourned at 10:44 a.m.

Mr. Lee Howard
Vice-Chairman

Jonathan L. Trout
Secretary-Treasurer