

Louisville Metro Air Pollution Control District Preliminary Notice of Proposed Rulemaking

STAR Program

Purpose of the Notice of Proposed Rulemaking:

In January 2009, the Louisville Metro Air Pollution Control District began evaluating the effectiveness of its regulations in light of three policy objectives: (1) implementing the Strategic Toxic Air Reduction (STAR) Program for reducing the emissions of toxic air contaminants (TACs), (2) streamlining the process for issuing permits and (3) evaluating the recommendations set out in the STAR Regulation 5.30 Stakeholder Group Report and Plan of Action (the STAR 5.30 RAPA).¹

As part of its evaluation, the District also considered how these programs fit into a broader policy objective, namely a multipollutant control strategy, in light of new air quality standards regulating nitrogen dioxide, sulfur dioxide, particulate matter, and ozone and potential climate change regulations affecting greenhouse gases.

A multipollutant control strategy is intended to “integrate assessment, planning, and implementation efforts across all air quality and environmental issues.”² Since 2005, the United States Environmental Protection Agency (EPA) has recommended such a strategy to:

- Assist an area in reaching attainment in a more cost-effective and efficient manner with greater overall reductions of pollutants;
- Promote an optimal mix of control measures for multiple pollutants and to avoid control measures that, while beneficial in reducing one pollutant, may result in increases in another;
- Better utilize limited State/local/Tribal resources, and those of the regulated community, for improving air quality; and
- Make it easier for potentially affected sources to plan installation of controls, rather than having to install controls in a piecemeal fashion.³

In short, a multipollutant control strategy is intended to “maximize benefits from controlling key air toxics, as well as ozone, PM_{2.5} and regional haze.”⁴

¹ A copy of the *Regulation 5.30 Stakeholder Group Report and Plan of Action* is available at www.louisvilleky.gov/APCD/STAR/Reg530Report.htm.

² The *Multi-pollutant Report: Technical Concepts and Examples*, p. I-1 (2008), available at www.epa.gov/airtrends/specialstudies/20080702_multipoll.pdf.

³ Consideration of Multiple Pollutants in Control Strategy Development (2005), available at www.epa.gov/air/caaac/aqm/aqm-page-memo.pdf

⁴ *Id.* at p.1.

Streamlining the STAR Program at this time will allow the District to more fully integrate the program, including the recommendations set out in the STAR 5.30 RAPA, with the District's permitting program for Title V and FEDOOP (major and synthetic minor) sources. This will improve the efficiency of the STAR Program by coordinating it with the issuance of permits, performance of on-site inspections and monitoring of compliance through review of submitted reports, tests and monitoring data.

The proposed changes will also assist the District with meeting the technical and policy challenges associated with implementing a multipollutant control strategy. Like much of the nation, air pollution issues in Louisville Metro have been addressed through separate strategies for separate pollutants, such as those that control ozone, carbon monoxide and particulates. Over time, it has become clear that developing an air quality management plan that comprehensively addresses multiple pollutants through harmonized strategies would be a more sensible and effective approach. As a result, the STAR 5.30 RAPA recommends that the Board and the District begin to develop a unified Air Quality Management Plan to efficiently and effectively address multiple pollutants and to integrate different regulatory approaches to controlling pollution. In doing so, the District's goal will be to integrate new control requirements with recommendations made by the Air Quality Task Force in 2006 (for ozone), the STAR 5.30 Stakeholder Group in 2007, and in the PM_{2.5} Report and Plan of Action in 2008.⁵ The District will be proposing changes to its permitting regulations, including those associated with minor and area source programs, in a future rulemaking.

Scope of the Proposed Amendments to the Regulation

The following regulations are part of the package of proposed amendments:

- Regulation 1.02
- Regulation 1.06
- Regulation 5.00
- Regulation 5.01
- Regulation 5.11
- Regulation 5.12
- Regulation 5.20
- Regulation 5.21
- Regulation 5.22

In general, the amendments are intended to clarify the text, reduce the number of cross-references to other regulations and consolidate STAR definitions into one regulation. ***None of the proposed changes revise the goals for environmental acceptability, the duty to meet them, or the duty to implement T-BAT.*** Specific changes are explained in a Preliminary Regulatory Impact Assessment for each regulation.

Comparison with Any Minimum or Uniform Standards:

There are no federal standards governing the District's STAR program.

⁵ See *Regulation 5.30 Stakeholder Group Report and Plan of Action*, p. 66.

Report on Public Outreach Efforts:

This Notice of Proposed Rulemaking is part of a package of proposed amendments to the STAR regulations that is being sent for informal external review to: all members of the 2009 STAR Advisory Group; all persons who have requested to be informed of proposed changes to STAR regulations; all persons who have requested to be notified of proposed changes to any District regulations; EPA Region 4; and the Kentucky Division for Air Quality. The District will accept written informal comments on this draft proposal through close of business on May 17, 2010. Comments may be submitted by e-mail to airregs@louisvilleky.gov, or by mail or telefax addressed to:

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In addition, the public will have an opportunity to comment during a meeting of the appropriate Board committee.