

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
December 17, 2008**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on December 17, 2008, at 10:00 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. Vanessa Ruffin, 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, Michelle Stites, Erin Vachon, Anne Marie Gauntlett, Shane Corbin, Craig Butler, Tua McDermott, Steven Gravatte, Shannon Hosey, Karen Thorne, Rick Williams, Dimitre Dimitrov, 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: Andy Battjes, Brown-Forman; Tim Corrigan, GLI; Mike DeBusschere, Kentuckiana Engineering; Brad Dillon, GD&M; Chris Dolan, URS; Carl Hilton, West Jefferson County Community Task Force; Paul Howard, MACTEC; Wallace McMullen, Sierra Club; Cheryl-Lynne Patrick, Frost Brown Todd; Sarah Scheetz, E.On U.S.; Kevin Spangler, OxyVinyls, LP; Lauran Sturm, Stites & Harbison, PLLC; and Paige Mosser Theriac, Theriac Environmental Consultants, Inc.

Introduction of New District Staff

Ms. Lauren Anderson introduced four new District staff members: Paul Aud, Environmental Engineering Manager; Karen Thorne, Engineer I; Rick Williams, Engineer I; and Dimitre Dimitrov, Information Systems Analyst.

Approval of Minutes

The public hearing and the regular Board meeting minutes of November 19, 2008, were approved as written.

Public Comment

Mr. Schweinhart stated he received a public comment card from Wallace McMullen. Mr. McMullen is a resident of Prospect and a member of the Sierra Club. Mr. McMullen expressed his concern about a recent story in *USA Today* that indicated the impact of industrial pollution on air quality near schools. Though the data was collected before the implementation of the STAR program, he asked the District to fully examine the information disclosed by the *USA Today* story and to take action if the health risks are determined to still exist.

Staff Reports

A. Director

Ms. Anderson responded to Mr. McMullen's public comment on the *USA Today* story. She said there has been a significant reduction in toxic air because a few Rubbertown companies voluntarily reduced emissions of harmful chemicals prior to the implementation of the STAR program. In particular, American Synthetic Rubber Company installed a thermal oxidizer to reduce the emission of butadiene, a chemical of major concern. Also, DuPont Elastomers has since closed its facility. Ms. Anderson also stated she believes the *USA Today* story reflects many of the issues affecting air quality before the development of the STAR program.

Ms. Anderson said the first deadline for companies to submit STAR compliance plans is December 31, 2008. Title V companies are required to submit risk assessments to the District and to be in compliance with the environmental acceptability goals for Category I TACs. Ms. Anderson stated that all Title V companies previously met the District's deadline to submit environmental acceptability plans. She said that some of the companies were able to report that they were under the goals, and some had to expend considerable effort to meet the goals.

Ms. Anderson said that five of the 38 companies that submitted demonstrations to the District requested a six-month extension, which is provided in the regulation, to come into compliance. The District has requested the five companies that have asked for a six-month extension to submit a compliance plan by March 1, 2009.

Ms. Anderson said all of the assessments have been reviewed and some of the limits have been incorporated into permits. She stated that during this process, the District received some similar comments from companies about the permits, and she expects to convene a group of affected industries, environmentalists, and other interested parties to discuss program improvements. She said the District needs input from all interested parties on how the District can effectively require companies to come into compliance in ways that are enforceable and realistic.

After meeting on program improvements, Ms. Anderson expects to bring to the Board a regulation package for a series of updated STAR regulations. Also, she stated she will present to the Board a draft of the idling ordinance and recommend to the Mayor and his administrative staff, Metro Council members, and the Board that the idling ordinance be a city-wide ordinance instead of a District regulation.

Ms. Anderson updated the Board on the city's budget crisis and how the Mayor has proposed to address the budget shortfall. She said the Mayor's spending restrictions are mainly on hiring, training, travel, and all city employees are subject to four furlough days.

Ms. Anderson said the EPA recently audited the air monitoring section and dramatic improvements have been made. Ms. Lee stated the EPA audit was conducted in less time than the normal three days. EPA staff visited all of the monitoring sites including the new Cannons Lane location. Ms. Lee said she anticipates EPA's approval of the Cannons Lane site after all of the work has been completed. Also, she stated if the Board is interested, they can visit the Cannons Lane location in spring 2009. Ms. Lee said the local OSHA has requested that the air

monitoring site located on the roof top of the 850 Building be removed and District staff expects it to be shut down by the end of 2008.

Ms. Anderson reviewed the names and credentials of the appointees that President-elect Obama has made in key positions dealing with the environment. She said that overall, the environmental team he assembled consists of persons who have devoted their careers to studying policy issues. Ms. Anderson said she expects climate change legislation on greenhouse gases to occur with the new administration.

Mr. Jacob announced that UPS is testing new technologies for their large on-road fleet. He said that UPS is testing hybrid electric vehicles in California and other states and has expanded the purchase of hybrid electrics and putting them in each district around the country. Mr. Jacob said there has been success with the vehicles which produce much lower emissions and consume less fuel.

Mr. Schweinhart announced that due to the city's budget shortfall and the Mayor's request to review expenditures, the District will no longer send monthly hard-copy Board agendas and supporting materials to the public. Instead, the District is encouraging the public to view Board materials via the APCD website. Mr. Schweinhart said the public will continue to receive written notices of special meetings, and a change in a meeting date or time for Board meetings. He said the public received written notice of the change in the December Board mailing. Ms. Anderson said the public will also continue to receive e-mails regarding special District initiatives.

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

E. Permit Application Reports

During November 2008, Engineering received 19 permit applications and issued 17 permits, for a net increase of two.

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 Wednesday, January 21, 2009, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:46 a.m.

Robert W. Powell, M.D.
Chairman

Joseph E. Schweinhart
Secretary-Treasurer