

**Louisville Metro Air Pollution Control District**  
**Minutes**  
**Regular Meeting**  
**of the**  
**Louisville Metro Air Pollution Control Board**

**February 15, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order February 15, 2006, at 10:08 a.m. in the Board Room of the Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Karen Cassidy. Other Board members present were Lee Howard, Carolyn Embry, Dr. Nadir Al-Shami, Barbara Sexton Smith, and Vanessa Ruffin. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Jesse Goldsmith, Cynthia Lee, Matt Stull, Eva Addison, Art Chang, Terri Phelps, Billy DeWitt, DJ Fountain, TJ Jessie, Matt King, Marty Layman, Dee Lynch, Steve Taylor, Susan Bowman, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze.

The following guests were present: Louise Allen, Oldham County; Rebecca Cash and Corinne Greenberg, LFI; Dennis Conniff, Frost Brown Todd/GLI Air Toxics Task Force; Tim Corrigan, GLI; Brad Dillon, GD&M; Sharon Dodson and Sarah Scheetz, E.ON; Barbara Hall, Ford Kentucky Truck Plant; Regina Henry, CEMEX-Kosmos Cement; Ben Hoene, Marathon; Winnie Hepler, REACT and Justice Resource Center; Tom Herman, Zeon Chemicals; Paul Howard, TTEMI; Mark Hussung, General Electric; Angel Leet and Jonathan Miller, Dupont Performance Elastomers; Paige Mosser Theriac, TECI; David Newman, Kentucky Motorcycle Association; Vince Pinnick, American Synthetic Rubber Company; Rick Poynter and Frank Sizemore, Carbide Industries; Kevin Spangler, OxyVinyls; Mark Spaulding, BAE Systems; and Roger Wampler, Oldham County.

## **Board Appointments, New Staff Member**

Chair Cassidy introduced new Board member Ms. Vanessa Ruffin, who was appointed to the Board to fill the seat recently held by Lewis Hammond. Her term expires August 31, 2008. Chair Cassidy also announced that Ms. Barbara Sexton Smith was reappointed to the Board, for a new term that expires December 31, 2008.

Mr. Williams introduced new District staff member Susan Bowman, Air Pollution Control Technician II in the Air Quality Unit.

## **Approval of Minutes**

The [minutes of the January 18, 2006, regular meeting](#) were approved as distributed

## **Unfinished Business**

### **A. Revised proposed Agreed Board Order No. 06-01 with Carbide Industries, LLC.**

Mr. Goldsmith updated the Board members on the progress made by Carbide Industries in reducing volatile organic compound (VOC) emissions since the original proposed Agreed Board Order was discussed by the Board. He described the changes incorporated in revised proposed Agreed Board Order No. 06-01. The revisions

would require two additional reductions in the daily plantwide VOC limit, including a control device for the emission that resulted from the loss of a customer for the acetylene produced by the “back end” processes. Mr. Goldsmith said that the District recommends that the Board adopt revised Agreed Board Order No. 06-01.

**Motion:** Ms. Smith moved to adopt the revised Agreed Board Order with Carbide Industries as recommended by the District.  
The motion passed unanimously.

## B. **Revised proposed Regulation 6.43 Volatile Organic Compound Emission Reduction Requirements, Version #5, Draft #2 - Proposed - Revision 1, February 14, 2006**

Mr. Trout explained that the purpose of the amendment to Section 9 of Regulation 6.43 is to incorporate into this regulation the emission limits that are in the Agreed Board Order with Carbide Industries that was just adopted by the Board. He indicated that the proposed regulation amendment had already undergone a 30-day public comment period and public hearing. He said that no comment had been made during the public comment period or public hearing. Mr. Trout said that the District recommends that the Board adopt Regulation 6.43 Version #5, Draft #2 - Proposed - Revision 1, dated February 14, 2006.

**Motion:** Ms. Smith moved to adopt the amended Regulation 6.43 as recommended by the District.  
The motion passed unanimously.

## **New Business**

### A. **Air Quality Task Force**

Chair Cassidy announced that she was creating an ad hoc committee to review the report developed by the Air Quality Task Force and presented to the Board at the January meeting. The charge of the ad hoc committee is to review the report, *Louisville Metro Air Quality Task Force Report to Mayor Abramson and Air Pollution Control Board*, January 18, 2006, and recommend how to proceed in improving the margin of safety for the community's health and to foster future economic growth. Ms. Embry and Ms. Ruffin volunteered to serve on the AQTF Report Review Committee.

## **Committee Reports**

There was no committee meeting held since the last Board meeting. Mr. Trout announced that Chair Cassidy had moved Ms. Smith to the Policy Committee and appointed her as the committee Chair.

## **Staff Reports**

### A. **Director**

Mr. Williams reported that the District continues to work with the Kentucky Division for Air Quality and the Indiana Department of Environmental Management on preparing the 8-hour ozone redesignation requests.

Mr. Williams discussed the comments prepared by the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) regarding the fine particle implementation rules proposed by the U.S. Environmental Protection Agency (EPA). He said that the District is reviewing the STAPPA/ALAPCO comments and will decide whether to file separate comments. He said that an issue of particular interest was whether nonattainment areas would be classified as to their degree of nonattainment. Another issue is whether a utility company's compliance with the Clean Air Interstate Rule (CAIR) would presumptively be considered compliance with the control requirements for a fine particle nonattainment area. The STAPPA/ALAPCO position is that state and local air pollution control agencies should have the authority to require reductions beyond those necessary to comply with the CAIR requirements, which would allow trading and thus not require emission reductions at utility plants located in, or upwind of,

nonattainment areas.

Mr. Williams indicated that Senate Bill 39, which opposes the District's STAR program, had been discussed by the Senate Agriculture and Natural Resources Committee, but no vote had been taken. Cabinet for Community Development Secretary Bruce Traugher testified against SB 39.

Mr. Williams announced that the District will conduct the second STAR workshop Thursday, March 16, 2006 at 1:30 p.m. Ms. Smith suggested that the District develop an evaluation form to solicit feedback from participants.


Mr. Williams said that the first three days of the Louisville Paving administrative hearing occurred February 1 to 3. The administrative hearing will continue March 21-24, 2006. Board members were asked not to discuss the issue amongst themselves because the Board will ultimately take action on the recommendation of the hearing officer.

Mr. Williams reported that January had the lowest monitored levels of fine particle readings since the District began monitoring PM<sub>2.5</sub>. He indicated that there are still many questions regarding the formation of fine particles in the atmosphere and the District does not have a specific explanation why the January concentrations were so low.

## 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**

The [APCD Enforcement Status 2/06/06](#)  report was submitted for filing. A copy is attached to the original minutes.

## D. **Startup, Shutdown, Malfunction, and Emergency Report**

The [Excess Emissions Report, 1/10/06 through 2/7/06](#)  was submitted for filing. A copy is attached to the original minutes.

## E. **STAR Program Tracking Report**

The STAR Program Tracking Report was submitted for filing. A copy is attached to the original minutes.

## F. **Permit Program Report**

Mr. Williams reported that the District is in the process of reviewing its permit process, looking for ways to make the process more efficient. Another significant impediment to reducing the permit backlog is staffing. Currently, Engineering has 14 vacancies. Mr. Williams said that the District is working with Louisville Metro government to address issues to facilitate engineer hiring and retention. He said that the District will provide periodic reports to the Board on progress in these areas.

Mr. Williams pointed out that significantly more permit applications were received in January than the number of permits issued. The District expects more permits to be issued in February. Regarding the possibility of outsourcing permit review, Mr. Williams said that the District continues to evaluate the Division for Air Quality's outsourcing project, but indicated that the preferable approach is to hire District staff because outsourcing is costly and there are concerns regarding confidentiality and conflicts of interest.

Ms. Smith requested that the District develop a graph to chart the 2006 permit process with information on the backlog of permits and projected/requested completion dates. Mr. Williams said that the Board will receive information on the permit process that is not confidential.

The Permit Program Report was submitted for filing. A copy is attached to the original minutes.

## G. **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 Wednesday, March 15, 2006, at 10:00 a.m.

## Adjournment

The meeting adjourned at 11:11 a.m.

\_\_\_\_\_/signed/\_\_\_\_\_  
Karen Cassidy  
Chair

\_\_\_\_\_/signed/\_\_\_\_\_  
Jonathan L. Trout  
Secretary-Treasurer

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