

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
June 21, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on June 21, 2006, at 10: a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Dr. Karen Cassidy. Other Board members present were 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, Terri Phelps, Eva Addison, Art Chang, Marty Layman, Matt Stull, Tua Pickering, Steve Taylor, Jenny Rhodes, Erin Simpson, Michelle Stites, Phyllis Fitzgerald, Corey Ryan, Tamela Brown, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze.

The following guests were present: Andy Battjes, Brown-Forman; Tim Corrigan, Greater Louisville, Inc. (GLI); Dennis Conniff, GLI Environmental Affairs Committee; Sarah Lynn Cunningham, KY Resources Council; Arnita Gadson, West County Community Task Force; Corinne Greenberg; ADS; Barbara Hall, Ford-Kentucky Truck Plant; Winnie Hepler, REACT-JRC; Tim Hooker; Linebach-Funkhouser; Joan Lindop, Sierra Club; Kena Lindsay and Kevin Spangler, OxyVinyls; James McDonald, URS Corporation; Jonathan Miller, DuPont Performance Elastomers; Wallace McMullen, Sierra Club; Peter Raymond, Alcan-LLP; Rich Robinson, American Synthetic Rubber Company; Sarah Scheetz, E.ON U.S.; Larry Schumer, Tetra Tech; and Paige Mosser Theriac, TECI.

**Introduction of New Staff**

Mr. Williams introduced Tamela (Tammy) Brown, Paralegal, on the staff of the County Attorney's office and assigned to work with the District.

**Approval of Minutes**

The minutes of the May 17, 2006, Public Hearing and Regular Board meeting were approved as distributed.

**New Business**

**A. Agreed Board Order No. 06-04**

Ms. Phelps, the District's Enforcement Supervisor, recommended to the Board the adoption of the Agreed Board Order with Masonic Homes of Kentucky as proposed.

**Motion:** Ms. Ruffin moved to adopt the Agreed Board Order with Masonic Homes of Kentucky as recommended by the District.

The motion passed unanimously.

## **Committee Reports and Committee Action**

### **A. Nominating Committee**

Ms. Embry, Chair of the Nominating Committee, announced the following slate of officers recommended for the 2006-07 Board term - Dr. Karen Cassidy, Chair, and Mr. Lee Howard, Vice-Chairman. The Nominating Committee will present its recommendation for a vote at the July 19, 2006, Board meeting.

### **B. Policy Committee**

Ms. Smith reported that the Policy Committee met on May 17, 2006, to review the draft amendments to Regulation 2.08 and the repeal of Regulation 2.14. The committee decided that it would be appropriate for the change to the fee regulation be reviewed by the entire Board before beginning the formal Public Review process. Mr. Trout reported that District staff met with representatives of Greater Louisville Inc. (GLI) to discuss differences between the District's list of opportunities for improving the permitting system and GLI Environmental Affairs Committee's suggestions. The District believes that the two organizations agree on a majority of the actions that could be taken. Mr. Williams discussed the District's *APCD Permitting System Improvement Plan*, emphasizing the addition of suggested items from the GLI's document. He said that this plan will be updated as needed during the next two years, noting that full implementation of the plan is contingent upon available resources.

### **C. Committee-of-the-Whole**

Chair Cassidy called a Committee-of-the-Whole to review the draft amendments to Regulation 2.08 and the repeal of Regulation 2.14 to decide whether to start the formal Public Review process. She appointed Ms. Smith to chair the Committee-of-the-Whole.

Mr. Trout explained that the major change to Regulation 2.08 is a 10% increase in all permit and program fees to provide program funding at a level to attract and maintain District engineering staff. Additionally, references to the Title V Permit Fee Advisory Panel are being removed because this advisory panel was not continued after the merger of the city and county governments. Also, the fee will be reduced for very large asbestos demolition/renovation projects by 75% for increments of material over 100 increments. Finally, Regulation 2.14, which imposes an additional asbestos inspection fee during non-scheduled hours is being repealed because that additional fee is being included in Regulation 2.08.

**Motion:** Ms. Embry moved that the amendments to Regulation 2.08 and the repeal of Regulation 2.14 be approved to begin the formal Public Review process.

The motion passed unanimously.

## **D. Strategy Committee**

In Mr. Howard's absence, Mr. Trout reported that the Strategy Committee met June 8, 2006, to review amendments to Regulations 5.14, 5.23, 5.20 and 5.30. He explained that methyl ethyl ketone is being removed from both Regulations 5.14 and 5.23 because the U.S. Environmental Protection Agency (EPA) has delisted this chemical as a hazardous air pollutant (HAP) and ethylene glycol monobutyl ether (EGBE) is being removed from Regulation 5.14 for the same reason, noting that EGBE was removed from Regulation 5.23 when it was initially adopted. Mr. Trout explained that the change to Regulation 5.20 is the removal of a phrase in section 2.2.1 to clarify that having a unit risk estimate calculated by one of the listed methodologies does not by itself cause a chemical to be considered a carcinogen. The change to Regulation 5.30 is to incorporate the revised date (June 1, 2007) by which the District is to submit the report and plan of action to the Board. This date change was approved by the Board at the May 17, 2006, meeting, but formal rulemaking is required to make the change to the regulation.

Mr. Trout said that the 30-day comment period has already started and the public hearing will be held on July 19, 2006.

## **E. STAR Implementation Advisory Group**

Mr. Trout reported that the Strategic Toxic Air Reduction (STAR) Implementation Advisory Group (IAG) met June 2, 2006, and June 16, 2006. At the first meeting, the IAG discussed the workshop held on March 16, 2006, reviewed excess emissions notification forms, and discussed the list of issues that will be discussed at subsequent meetings. During the second meeting, the first five issues raised by industry and environmentalists were reviewed. From this process, a recommendation will be made to the Board for any appropriate changes to the STAR program. The STAR IAG will continue to meet every two weeks.

## **Staff Reports**

### **A. Director**

Mr. Williams reported that both the Kentucky and Indiana requests for redesignation of the Louisville area to attainment for the 8-hour ozone standard are undergoing the required public review process. The Indiana Department of Environmental Management held its public hearing on June 14, 2006, which Mr. Trout attended. Four individuals attended the hearing with only one presenting testimony, which was supportive of the redesignation. The Kentucky Division for Air Quality will hold a joint public hearing with the Board at the July 19, 2006, Board meeting. The Kentucky package has been submitted to the EPA with a request that the EPA parallel process the State Implementation Plan (SIP) revision.

Mr. Williams reported that so far this summer the monitored ozone levels have been well under the standard. He said that the District will begin submitting a monthly ozone report to the Board at the July meeting.

As requested by the Board, District staff developed a list of the ozone precursor emission reduction measures recommended by the Air Quality Task Force. Mr. Williams reviewed the contents of the report and requested that the Board members review the document and provide feedback on the list of measures. The District will begin analyzing the recommended measures and provide information regarding the feasibility and effectiveness of these measures, including identification of the resources needed for implementation. Mr. Williams asked for Board input on determining how the list is prioritized. The major goal is to move toward an implementation matrix that addresses all key air quality goals, ozone, fine particles, toxics, and greenhouse gas emissions. Ms. Smith and Dr. Cassidy expressed interest in helping prioritizing the plan. Also, Dr. Cassidy suggested adding a resource column to the plan.

Mr. Williams reported that KAIRE (Kentuckiana Air Education) produced several radio ads to promote cleaner air. The ads were recorded by local citizens and Metro Louisville employees. The ads are being aired on six or seven radio stations. The Board and public listened to the ad recorded by Dr. Troutman, Director of the Louisville Metro Health Department.

Mr. Williams discussed the list of individuals who will be invited to participate in the STAR Regulation 5.30 stakeholder group. The first meeting is tentatively scheduled for July 13, 2006, at 2:00 p.m. in the Board Room.

Mr. Williams said that the EPA toxics grant the District received (approximately \$270,000) will be used to fund several projects. The District will explore and use state-of-the-art portable monitoring equipment. Also, staff will receive additional training on using the CYREX UV Sentry equipment. The District has a contract with Sciences International to conduct a risk assessment of the four most recent years of available data from the six toxics monitors operated by the University of Louisville. The draft risk assessment report is expected to be completed in September 2006.

The District participated in budget hearings with Metro Council members on June 7, 2006, and June 13, 2006. Mr. Williams said that he felt that council members were very interested in the District's projects to improve air quality in the community. The District's budget is a continuation budget and does not contain increased programs or staff.

Mr. Williams announced that Ms. Embry's and Ms. Withers' Board terms have expired. The Mayor has appointed two other individuals to seats on the Board, although it is not certain that they will be approved by the Metro Council before the July Board meeting. Mr. Williams thanked Ms. Embry for her great service to the Board and the community. Ms. Embry expressed her appreciation for the opportunity to serve the community on behalf of the American Lung Association and thanked the staff and Board members for leading the community to achieve cleaner air.

## **B. Air Quality Data**

Mr. Williams reported that for each of the first five months of this year, the monitored monthly concentration of PM<sub>2.5</sub> was lower than the corresponding monthly concentration monitored in 2005. However, if attainment of the standard is not achieved, the District is

obligated to develop an attainment plan with strategies to reduce PM<sub>2.5</sub> emissions and precursor emissions. To help with this process, the District will reconvene the Air Quality Task Force and, as appropriate, add additional members. The District is required to submit the SIP revision in 2008.

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

### **C. Enforcement Status**

The EPA finalized an agreement with OxyVinyls that addressed three different locations in the United States, including the Louisville facility. The primary focus of the EPA agreement was on the chemical vinyl chloride. The agreement requires implementation of additional technology at the Louisville facility for vapor recovery when unloading vinyl chloride from rail cars. The District estimates that this should result in a reduction in vinyl chloride emissions by 100 pounds per year. OxyVinyls was assessed a penalty of \$140,000 for the Louisville plant, with one half of that amount going into the penalty fund.

The *APCD Enforcement Status 6/12/06* report was submitted for filing. A copy is attached to the original minutes.

### **D. Excess Emission Reports**

The *Excess Emissions Report, 5/9/06 through 6/11/06*, 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. STAR Program Regulation 5.30 Status Report**

Mr. Williams reported that at the Board's request, staff developed a new report titled *5.30 Status Report*. The report contains information on development of the program, monitoring, stakeholder process, modeling, emissions inventory, and possible utilization of the EPA grant. The Board will receive the report monthly and District staff welcomes any comments on how the report can be improved.

### **G. Permit Program Report**

The number of permit applications in the backlog has been added to the report at the Board's request. The Permit Program Report was submitted for filing. A copy is attached to the original minutes.

### **H. 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, July 19, 2006, at 10:00 a.m.

**Adjournment**

The meeting adjourned at 10:56 a.m.

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Dr. Karen Cassidy  
Chair

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Jonathan L. Trout  
Secretary-Treasurer