

Louisville Metro Air Pollution Control District

Minutes

Regular Meeting

of the

Louisville Metro Air Pollution Control Board

January 18, 2006

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order January 18, 2006, at 10:05 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, Lewis Hammond, Carolyn Embry, Dr. Nadir Al-Shami, and Barbara Sexton Smith. 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, Mitzi Powell, Matt Stull, Eva Addison, Art Chang, Terri Phelps, Chris Cunningham, Billy DeWitt, DJ Fountain, TJ Jessie, Matt King, Marty Layman, Monica Little, Dee Lynch, Steve Taylor, and Tina Oakes. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze and Cabinet Secretary Bruce Traugher.

The following guests were present: Andy Baitoes, Brown-Forman; Dennis Conniff, Frost Brown Todd; Tim Corrigan, Greater Louisville, Inc.; Sarah Lynn Cunningham, Kentucky Resources Council; Brad Dillon, Greenebaum, Doll & McDonald; Jonathan Miller, DuPont Performance Elastomers; Rich Robinson, American Synthetic Rubber Company; and Sarah Scheetz, E.ON U.S.

Mr. Williams introduced Matt Stull, the new Public Information Supervisor. Mr. Williams also introduced Monica Little, the new Executive Assistant.

Approval of Minutes

The [minutes of the December 14, 2005, regular meeting](#) were approved as distributed.

Unfinished Business

A. Amendment to Regulation 2.08 Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees, Version #20, Draft #2 - Proposed, September 6, 2005

Mr. Trout said that the main amendment to Regulation 2.08 is to add a fee for the Strategic Toxic Air Reduction (STAR) Program that applies to the FEDOOP (Federally Enforceable District Origin Operating Permit) and Title V companies. The written comment period and public hearing are completed. Mr. Trout said that there were various suggestions for different ways to assess fees. The District considered these, but considers the proposed method to be fair and reasonable. There were comments that the large companies should not pay for the entire STAR Program. Mr. Trout indicated that the proposed fees cover only 42% of STAR Program costs for Fiscal Year 2006. He said that there were also questions raised about how the fees for Title V and FEDOOP companies might change in the future. He explained that the STAR Program fees will basically remain the same, except for the Consumer Price Index adjustment and, for the Title V companies, year-to-year changes in emissions. Other changes in the STAR Program fee for the Title V and FEDOOP companies cannot occur without going through the rulemaking process, which requires an opportunity for public comment.

Mr. Trout said that the District recommends that the Board adopt the amended Regulation 2.08 *Emission Fees, Permit Fees, Permit Renewal Procedures and Additional Program Fees*, identified as Version #20, Draft #2 - Proposed, September 6, 2005, as proposed.

Motion: Ms. Embry moved to adopt this amended regulation as recommended by the District.

The motion passed unanimously.

New Business

Mr. Stull introduced Susan Furlong with Paul Schultz Advertising. Ms. Furlong presented the results of a survey that was taken last year to assess the public's awareness of air pollution issues and willingness to take measures to reduce their contribution to air pollution. She also discussed ideas for public education themes that are being developed for the KAIRE (Kentuckiana AIR Education) program this year.

Committee Reports

A. Policy Committee

Mr. Trout said the Policy Committee met on January 18, 2006, at 9:30 a.m. The Policy Committee approved amendments to Regulation 1.15 *Version of Federal Regulations Incorporated by Reference*, Version #13, Draft #1 - External, January 5, 2006, Regulation 5.02 *Adoption of National Emission Standards for Hazardous Air Pollutants*, Version #16, Draft #1 - External, January 6, 2006, and Regulation 7.02 *Adoption of Federal New Source Performance Standards*, Version #13, Draft #1 - External, January 5, 2006, to start the Public Review process next week. The public hearing will be immediately before the Board meeting in March.

B. Air Quality Task Force

Mr. Traughber explained that over the last two years, the Air Quality Task Force focussed on ozone issues. When the Task Force began its work, the monitoring data showed that the Louisville area did not meet the federal 8-hour ozone standard, and thus expected to develop a recommended plan for attaining the standard. However, the monitoring results for the last three years show that the Louisville area has met the 8-hour ozone standard and thus may be eligible to apply to the U.S. Environmental Protection Agency (EPA) for redesignation to attainment. The Task Force reviewed available health effects data for exposures to ozone concentrations at the level of the current federal standard, and recommends that the Board take future actions to go beyond the current minimum requirements. Mr. Traughber said that the EPA will probably lower the 8-hour ozone standard in the future and the Task Force concluded that the Louisville area should create a margin of safety to improve the community's health and to foster future economic growth. He said that the Task Force believes that the community can and is willing to do more to help improve air quality in the Louisville area. Greater Louisville, Inc., and the business community have indicated that they are willing to work cooperatively with the Board to voluntarily reduce emissions to help create a margin of safety.

Mr. Traughber said that the report to the Board recommends the review of specific voluntary measures that businesses and the community can implement to help improve air quality. The report stresses that rather than establishing additional requirements for businesses, actions by members of the community, such as reducing the number of vehicle miles traveled, should be encouraged.

Dr. Cassidy, on behalf of the Board, thanked Mr. Traughber for his leadership and the Air Quality Task Force's challenge to the Board to go beyond the minimum requirements.

Mr. Williams said that the District is working with the Kentucky Division for Air Quality and the Indiana Department of Environmental Management to develop the redesignation request package, and it will be several weeks before the package will be ready to start the formal review process that is necessary before submittal to the EPA. He said that the District requests that the Board make a motion for the District to proceed with seeking redesignation to attainment of the 8-hour ozone standard.

Motion: Dr. Al-Shami moved to recommend that the District proceed to take the steps necessary for redesignation to attainment of the 8-hour ozone standard.

The motion passed unanimously.

C. **STAR Implementation Advisory Group**

Mr. Trout said that the District provided a detailed status report of the various projects listed on the STAR Program Projects list. He said that the District has completed development of the forms for the enhanced emissions information required by Regulation 1.06. The Title V companies will report their emissions of the Category 1 toxic air contaminants (TACs) in April and the stack and fugitive emission release parameter information in February. He said that there was a suggested change to reporting of excess emissions that will be discussed at the next meeting on Friday, February 24, 2006.

Staff Reports

A. **Director**

- B. Mr. Williams said that with the December PM_{2.5} report, the data are complete for last calendar year. The average for December was 14.8 µg/m³ and he noted that the monitoring network run time was exceptionally high for December. The federal annual standard for PM_{2.5} is 15.0 µg/m³; the 2003 to 2005 design value for Jefferson County is 15.6 µg/m³. The 2002 to 2004 design value was 15.7 µg/m³, thus, the current design value is slightly lower.

Mr. Williams noted that he had suggested at last month's Board meeting that the Board or the District may want to comment on the EPA's proposed PM_{2.5} implementation rule that addresses requirements for nonattainment areas. He said that STAPPA/ALAPCO (State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials) is developing comments on the proposed implementation rule. He said that after reviewing the STAPPA/ALAPCO comments, the District may agree with and support these comments rather than develop comments independently.

Mr. Williams said that the STAR position to lead the District's efforts to comply with Regulation 5.30 was offered to a candidate and the District is waiting for a response. Senate Bill 39, which is sponsored by Senator Seum, has been assigned to the Senate Agriculture and Natural Resources Committee and is being followed by the City administration. This bill would affect the District's ability to have requirements more stringent than state or federal government requirements, not just in toxics but in every area. The District is working with Carbide Industries to finalize changes to an agreement that had first been proposed approximately one year ago. Mr. Goldsmith stated the District is reviewing the company's emissions numbers because some of the submitted information may not be correct. However, Mr. Goldsmith said that the District expects to reach agreement with the company and to recommend action at the February Board meeting.

Mr. Williams said the District is still reviewing the U.S. Farmers Bio Industries construction permit application. The District is still getting information on the proposed process and control measures. He said that there are only two other processes in the country that are similar to the proposed process and it will be a few weeks before the District concludes its review.

Mr. Williams said the District has initiated its first formal administrative hearing action against Louisville Paving. The hearing is scheduled for February 1 to 3, 2006, in the Board room starting at 9:00 a.m. The hearing will be overseen by a hearing officer from the State Attorney General's Office. The hearing officer will give a report and recommended order to the Board. The Board will have the final decision. The hearing is open to the public.

Mr. Williams explained that there are three different documents that comprise the first Permit Program Report. The first document, titled *Permit Application Log*, is a log of all of the pending permit applications. This document lists what type of company submitted the application (Title V, FEDOOP, or minor source), the type of application, and the date it was received. The second document, titled *4th Quarter 2005 Application Log*, lists all of the applications the District received in the 4th quarter of 2005. The third document, titled *4th Quarter Completed Application Log*, lists the permits issued in the 4th quarter of 2005. The District received 59 permit applications in the 4th quarter and has issued 54 permits. Mr. Williams said that the District would like feedback from the Board members as to whether these documents provide the information, arranged in an acceptable

format, that the Board members had requested.


Ms. Sexton-Smith said that she is able to get the basic information needed from these reports. She added that it might be interesting to know what the projected and actual emissions are from the processes included in these issued permits.

Mr. Williams said that the District received a status letter from American Synthetic Rubber that shows a dramatic reduction in the company's 1,3-butadiene emissions since the thermal oxidizer began operation in December.

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 01/10/06*  report was submitted for filing. A copy is attached to the original minutes.

D. Startup, Shutdown, Malfunction, and Emergency Report

The *Excess Emissions Report, 12/06/06 Through 1/9/06*  report 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

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, February 15, 2006](#), at 10:00 a.m.

Adjournment

The meeting adjourned at 11:15 a.m.

_____/signed/_____
Karen Cassidy
Chair

_____/signed/_____
Jonathan L. Trout
Secretary-Treasurer