

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
August 16, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on August 16, 2006, at 10:13 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 Dr. Nadir Al-Shami, Barbara Sexton Smith, Vanessa Ruffin, Ronald Thomas, and Dr. Robert Powell. 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, Terri Phelps, Eva Addison, Mitzi Powell, Steve Taylor, Bo Fawbush, Billy DeWitt, Erin Simpson, Jasmihn Woodard, Yiqiu Lin, Corey Ryan, and Monica Little. Also present was Assistant County Attorney Lauren Anderson and Paralegal Tammy Brown.

The following guests were present: Dennis Conniff, Frost Brown Todd and GLI; Tim Corrigan, GLI; Sarah Lynn Cunningham, KY Resources Council; Brad Dillon, GD&M; Jim Dunbaugh and Rich Robinson, American Synthetic Rubber Company; Carolyn Embry, American Lung Association; Tim Hooker, Linebach-Funkhouser; Joan Lindop, Sierra Club; Jonathan Miller and Julie Martinet, DuPont Performance Elastomers; Paige Mosser Theriac, TECI; and Sarah Scheetz, E.ON U.S.

**New Board Member**

Dr. Cassidy introduced new Board member, Dr. Robert Powell. Mr. Trout said that Dr. Powell had served on the Board from July 1985 to September 2001, a number of those years as Chairman.

**New Staff Member**

Mr. Williams introduced new District staff members Jasmihn Woodard and Yiqiu Lin, both Engineer I.

**Approval of Minutes**

The minutes of the July 19, 2006, regular meeting were approved as distributed.

**Public Comment**

Mr. Jim Dunbaugh, American Synthetic Rubber Company (ASRC), provided an update on the Flare Thermal Oxidizer Project to reduce 1,3-butadiene emissions. This project is part of the Enforceable Board Agreement approved by the Board in May 2004. Mr. Dunbaugh reported that the most recent test showed a 99.999% removal efficiency of 1,3-butadiene emissions. Expected emissions in 2006 are 8,000 pounds, a reduction of approximately 55 tons per year (93%)

compared to the 2003 emissions. A copy of a handout provided by Mr. Dunbaugh is attached to the original minutes.

Chair Cassidy asked what the difference was between destruction efficiency and reduction in emissions. Mr. Dunbaugh responded that destruction efficiency is the measure of how much air pollution is destroyed inside the combustion chamber of the thermal oxidizer. The emission reduction is the difference between the 2003 level of emissions, for which the flare was the main control device, and the 2006 emissions, for which the new thermal oxidizer is the main control device.

## **Unfinished Business**

### **A. Air Quality Task Force recommended 8-hour ozone strategies**

Mr. Williams provided an update on the Air Quality Task Force Recommended 8-Hour Ozone Strategies. The column titled "Additional APCD Resources" was revised to include an estimate for additional staff and funding. Mr. Williams stated that the District is ready to meet with the ad hoc committee or the Board to discuss the various strategies and rank them for implementation. Dr. Cassidy asked the ad hoc committee to work with the District and develop a recommendation for full Board review. Dr. Powell and Mr. Thomas agreed to serve on the ad hoc committee with Vanessa Ruffin.

## **New Business**

### **A. Amendment to Regulation 2.08, *Emission Fees, Permit Fees, Permit Renewal Procedures and Additional Program Fees, Version #21, Draft #3 - Proposed, April 12, 2006***

Mr. Trout said that the District recommends that the Board adopt amended Regulation 2.08, Version #21, Draft #3, Proposed, April 12, 2006, as proposed.

**Motion:** Mr. Thomas moved to adopt amended Regulation 2.08 as recommended by the District.

The motion passed unanimously.

### **B. Repeal of Regulation 2.14 *Asbestos Inspection Fee During Non-Scheduled Hours, Version #2, Draft #1 - Proposed, January 30, 2006***

Mr. Trout said that the District recommends that the Board repeal Regulation 2.14, Version #2, Drat #1, Proposed, January 30, 2006, as proposed.

**Motion:** Dr. Al-Shami moved to repeal Regulation 2.14 as recommended by the District.

The motion passed unanimously.

## **Committee Reports**

## **A. STAR Implementation Advisory Group**

Mr. Williams reported that the STAR Implementation Advisory Group continues to meet every other Friday to review issues related to the STAR Program. The group has nearly finished reviewing the first set of issues, which generally relate to the modeling demonstrations that are due by the end of this year. The group has achieved consensus on some issues to recommend changes to the STAR program. Mr. Williams stated there are several issues that will require regulation changes and will be brought to the Board for formal action. The first set of recommended regulation changes will include issues that came out of discussions earlier in the year with Ford Motor Company and other companies. Mr. Williams expects the group will continue to meet every other week to discuss the remaining identified issues.

## **B. STAR Regulation 5.30 Stakeholder Group**

Mr. Williams reported that the second meeting of the STAR Regulation 5.30 Stakeholder Group was held August 10, 2006, and it was very well attended. Approximately 35 outstanding community leaders are participating in the group. The feature agenda item was a presentation by Dr. Solomon Pollard, Senior Toxicologist, U. S. Environmental Protection Agency (EPA) Region 4, on the general risk issues in an environmental context, particularly air and inhalation contact. Chair Cassidy requested that the District provide a copy of the presentation to the Board members. Mr. Williams said that the focus of the Stakeholder Group meetings over the next several months will be on the issue of risk.

## **Staff Reports**

### **A. Director**

Mr. Williams provided an update on the request for redesignation of the Louisville area to attainment for the 8-hour ozone standard. The process is moving forward although there may be a delay because the EPA has suggested that it may be necessary for a second public hearing due to a difference in the base year used by Kentucky and Indiana for the regional mobile source budgets. The District and the Kentucky Division for Air Quality are working with the EPA to determine if the additional public hearing can be avoided. Even if a second public hearing is required, Mr. Williams said that he expects approval of the redesignation to occur before the end of the year.

Matt Stull, Public Information Supervisor, presented information on the Kentuckiana Air Education's (KAIRE's) exhibit at the Kentucky State Fair being held August 17-27, 2006. Mr. Stull reported that the exhibit has some new attractions, resulting from District collaboration with Paul Schultz Advertising. This year's theme is educating the community about the health effects of air pollution to raise an awareness of individual responsibility.

Mr. Williams said that the Board members will receive a packet of information from the Kentucky Department for Libraries and Archives regarding the management of public records. The materials explain the Kentucky open meetings act, open records act, and requirements for the retention and preservation of public records. Each Board member will be required to sign a

certificate of receipt of these materials.

## **B. Air Quality Data**

Mr. Williams reported that since the last Board meeting, there have two additional 8-hour ozone exceedances, occurring on July 25 and July 31 at the Buckner/Oldham County monitor. Mr. Williams reviewed a map developed by the EPA that reflects two series of ozone exceedances experienced in the western and eastern regions of the country between July 26, 2006, and August 6, 2006. He said that ozone forecasts can be viewed on an EPA website at [www.airnow.gov](http://www.airnow.gov).

Mr. Williams reported that it is very unlikely that the Louisville area will come into attainment of the federal fine particle standards this year, due in part to the higher-than-usual July monitored concentrations. He said that the EPA is in the process of determining whether the fine particle standards should become more stringent. Currently, the federal fine particle standards are an annual average of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and the 24-hour standard is  $65 \mu\text{g}/\text{m}^3$ . The EPA is proposing to significantly lower the 24-hour standard but retain the current annual standard. The EPA proposal is expected to be finalized by the end of September 2006. Mr. Williams said that the EPA is being pressured nationally to also lower the annual standard.

To address noncompliance with the fine particle standards, the District will be reconvening the Air Quality Task Force to develop a recommended plan of action for fine particles. If the community continues to be in nonattainment, the District is obligated by federal law to develop an implementation plan and submit it to the EPA by 2008. The first meeting of the reconvened Air Quality Task Force is expected to be held in October.

Mr. Williams reported that the District filed comments with the Indiana Department of Environmental Management (IDEM) on proposed permit revisions to the Gallagher Plant. The primary purpose of the permit changes was to accommodate the replacement of the current electrostatic precipitator particulate control devices (ESPs) with higher control efficiency fabric filter collectors (baghouses). The District encouraged IDEM to tighten some of the preventive maintenance and monitoring measures for the facility because the District believes that fine particles from the Gallagher Plant have not been well controlled and need closer scrutiny.

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

Mr. Williams reported the District is moving forward with the EPA grant components to undertake an updated risk assessment of the results of the six toxics monitors being operated by the University of Louisville and purchasing new monitoring equipment. The risk assessment is being conducted by Sciences International; the District expects a draft report in September.

Mr. Williams said that the District recently conducted a test at the American Synthetic Rubber Company, the Firearms Training monitoring site, and the University of Louisville Shelby Campus, monitoring with three devices, the Cerex portable monitor, the District's SapphIRE

portable monitor, and the SUMMA canister “standard method.” The purpose of the test was to determine whether the two devices record levels consistent with the standard method.

The Government Accountability Office (GAO) recently released a report evaluating the EPA’s air toxics program. Requested by several members of Congress, the report identified weaknesses and deficiencies in the federal toxics program. In addition, the GAO examined the state toxics programs of California, Wisconsin, New Jersey and Oregon and the District’s STAR Program. The GAO concluded that these state and local programs have successful elements and could serve as an example for improving the federal toxics program. A copy of the GAO report is attached to the original minutes.

Mr. Williams reported that Mayor Abramson has formed a Louisville Metro Climate Change Committee and has appointed him as the Chair. The U.S. Conference of Mayors asked the 2005 Conference of Mayors to support the climate protection agreement which creates the framework for cities to begin to reduce their greenhouse gas emissions as part of an overall national effort to address the issue. The committee’s task is to develop a plan of action under the climate protection agreement and to create goals and objectives that reduce the community’s greenhouse gas emissions to appropriate levels. Mr. Williams said that he believes that the initiative is an important undertaking for the city and is a significant environmental issue.

### **C. Enforcement Status**

The *APCD Enforcement Status 8/8/06* report was submitted for filing. A copy is attached to the original minutes.

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

The *Excess Emissions Report, 7/11/06 through 8/2/06*, 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 the Board will receive updates to the APCD Permitting Improvement Plan regularly and he encouraged them to track the progress of the plan. The initial focus of the plan is to complete the first stage, which has a 0-6 month timeframe. The plan is a work in progress and the columns titled “resources needed” and “completion date” will be filled in as they are being worked on. Mr. Williams stated the goal of the plan is to improve the permitting process, which is expected to reduce by one-third the time it currently takes to issue a new permit.

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

minutes.

### **G. *Lawn Care for Cleaner Air Awards***

Ms. Lee, Manager of Air Quality and Environmental Programs, reported on the recent tours of the winning entries in last year's Juried Low Maintenance Landscape Design competition. The tours, occurring over two weekends, were well attended. The District was the only agency to receive an EPA grant for a Juried Low Maintenance Landscape Design competition.

Mr. Williams stated great progress has been made in the Louisville area in the development of low-maintenance landscaping; the goal is to improve air quality. He also stressed the importance of reducing the use of gasoline-powered equipment for lawn maintenance. Several years ago, Louisville received a national EPA Clean Air Excellence Award for its *Lawn Care for Cleaner Air* award program.

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, September 20, 2006, at 10:00 a.m.

### **Adjournment**

The meeting adjourned at 11:00 a.m.

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Dr. Karen Cassidy  
Chair

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Jonathan L. Trout  
Secretary-Treasurer