

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
December 13, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on December 13, 2006, at 11:41 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Mike Howard. Other Board members present were Barbara Sexton Smith, Vanessa Ruffin, and Ronald Thomas. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Cynthia Lee, Terri Phelps, Jesse Goldsmith, Matt Stull, Mitzi Powell, Art Chang, Phyllis Fitzgerald, Erin Simpson, Tua Pickering, Eva Addison, Matthew King, D.J. Fountain, Steven Gravatte, Hannea Cox, Corey Ryan, Adam Monroe, Steve Taylor, Jenny Rhodes, Judy Lloyd, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze, and County Attorney staff Allison Grant and Tammy Brown.

The following guests were present: Bruce Gaylord, KEC; Rebecca Cash, LFI/GE; Eboni Cochran, Jonathan Tinsley, and Steve Samuels, REACT; Dennis Conniff, GLI /AQTF; Tim Corrigan, GLI; Sarah Lynn Cunningham, Kentucky Resources Council; Shannon Graves; SMG; Barbara Hall, Ford Kentucky Truck Plant; Regina Henry, Cemex-Kosmos Cement; Tom Herman, Zeon Chemicals; Carl Horneman, Wyatt, Tarrant & Combs; Steve Kent, Aker Kvaerner; Joan Lindop and Wallace McMullen, Sierra Club; Greg Long, Ford-LAP; Jonathan Miller, DuPont Performance Elastomers; Leanne Monsour, GE; Schuyler Olt, Pedley, Zielke, Gordinier & Pence, LLC; Rich Robinson, American Synthetic Rubber Company; Sarah Scheetz, E.ON US; Andrew Smith; and Paige Mosser Theriac, TECI.

**Approval of Minutes**

The minutes of the November 15, 2006, regular Board meeting were approved as distributed.

**New Business**

**A. Louisville Metro Air Pollution Control District v. Elder Construction and Associates, Inc., Yana Elder Co., and Fred Radcliffe, Jr.:  
Consideration of Hearing Officer's Report**

Ms. Lauren Anderson, Assistant County Attorney, requested on behalf of the District that the Board adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order (Report) which affirms the allegations made by the District and adjudges the Respondents jointly liable for a civil penalty in the amount of \$57,000.

**Motion:** Ms. Ruffin moved that the Board adopt the Hearing Officer's Report.

The motion passed unanimously.

## **B. West Louisville Air Toxics Study - Risk Assessment for 2001 to 2005 data**

Mr. Trout reported that the District received the West Louisville Air Toxics Study Risk Assessment report from Sciences International which contains risk assessment data from the last quarter of 2001 to the end of 2005. He reviewed highlights of the report and said that there were no overall trends relative to all chemicals and all monitoring site. However, there were some apparent trends when looking at the data for single chemicals at single monitoring sites. Some of these trends showed an improvement in risk, some an increase in risk, and some stayed about the same. He also explained that the original study, April 2000 to April 2001, did not calculate risks associated with chloroprene, a recognized carcinogen, but in this new study, cancer risks from chloroprene were calculated and shown to be extremely high.

## **Committee Reports**

### **A. STAR 5.30 Stakeholder Group**

Mr. Trout reported that the STAR 5.30 Stakeholder Group had not met since the last Board meeting but the four committees formed by the Stakeholder Group met on November 28, 2006, and December 5, 2006. The Report and Plan of Action Committee is beginning to review what should be in the final report and whether the mobile source information being used is up-to-date. The Mobile and Non-Road Mobile Source Committee also reviewed the issue of the information used and started researching idling programs that are in effect in other jurisdictions. The Area and Minor Source Committee started reviewing the U.S. Environmental Protection Agency's (EPA's) area source program. The Health/ Risk Committee reviewed the risk information from the second West Louisville Air Toxics Study report.

### **B. STAR Implementation Advisory Group**

Mr. Trout reported that the STAR Implementation Advisory Group (IAG) met on November 17, 2006, and December 1, 2006, to continue discussion of STAR Program regulation issues. The issues under consideration pertain to the environmental acceptability goals and assessment factors, modifications to environmental acceptability goals, and T-BAT applicability.

Ms. Ruffin commented that she understands it is a delicate situation between business and community. She stated that the concerns of residents who live close to companies that produce toxic air pollution are the concerns of the whole community because of the movement of air and dust. Ms. Ruffin suggested including more information on the District's website to allow residents to monitor their own environment. She also asked that information be made available to residents on the implications of changes to the STAR Program. Finally, Ms. Ruffin stated that it would be beneficial for Board members to know of the District's and the community's perspective on STAR issues before approving changes without knowing their full impact.

Mr. Trout responded that one of the proposed revisions to the STAR Program is increased public review and comment. He mentioned that the District prepares a regulatory impact assessment that explains proposed regulation changes and their impacts. The District also

prepares a comment and response document summarizing comments made during the formal public review process and provides the District's response to the comments.

Ms. Smith agreed with Ms. Ruffin's statements and asked whether the Board's role is to ensure that District staff provide them with information prior to their meetings. Mr. Williams stated that the District is obligated by law to inform the Board and the community of proposed regulatory changes. Mr. Williams stated that the District takes its obligation to the community seriously. He currently attends the West Jefferson County Community Task Force and Rubbertown Community Advisory Council meetings. The District plans to develop informational brochures for the community and will continue to update its website to address STAR Program issues. Ms. Ruffin asked that materials be developed that are clearly written so that the lay person can understand them.

## **Staff Reports**

### **A. Director**

Mr. Williams previously reported to the Board that the state has proposed statewide air toxic regulations which it intends to promulgate by February 2007. District staff have reviewed the proposed regulations and will be providing comments to the state.

Mr. Williams provided an additional update on the status of funding for the West Jefferson County Community Task Force. The state and the University of Louisville are considering redirecting those funds and the District is part of an effort to make sure the funding for current services continues. The current funding continues through June 2007. The District will encourage the state to develop a statewide plan and to continue to fund the current local services as well.

Mr. Williams reported that the Climate Change Committee has been formed as part of the Mayor's Partnership for a Green City, which is a three-way partnership among Louisville Metro government, the University of Louisville, and Jefferson County Public Schools. The committee will hold its first meeting on December 20, 2006, and will begin developing strategies to reduce greenhouse gas emissions in Louisville. Mr. Williams will chair the committee.

Mr. Williams announced the departure of two District employees. Hannea Cox, Engineer I, is relocating to California where her husband has accepted a new job. Mitzi Powell, Business Manager, is retiring after many years of service with local government. Also leaving the District is Erin Simpson, Environmental Coordinator, who is moving to Australia to pursue an advanced degree.

Mr. Williams reported that initially there were concerns that the proposed "dog law" ordinance could affect the District's enforcement of nuisance laws when these relate to agricultural animals or operations. Mr. Williams and Ms. Anderson worked with the County Attorney's office and developed an amendment to preserve the District's authority.

Mr. Williams announced the production of a video the District will use to demonstrate the

prohibition of open burning. A portion of the video was shown. The video can be viewed on cable Channel 25.

Ms. Smith thanked Mr. Goldsmith for providing the Permit Program Application Log and asked whether it was decided at a prior meeting that Board members would receive a monthly written report on the plan of action for the permit program. Mr. Williams stated that Ms. Smith was correct and the District will ensure that the Board receives monthly written reports. Mr. Williams also provided a brief update on the plan of action.

## **B. Air Quality Data**

Mr. Williams stated that the District is still waiting on the federal EPA to take action on Kentucky's application for redesignation of the Louisville area to attainment of the 8-hour ozone standard. The EPA has taken steps to complete the application and Mr. Williams is hopeful that the process will be completed in January 2007.

Mr. Williams said that the District has begun to develop an implementation plan for the 8-hour ozone strategies that were approved at the November Board meeting and will begin implementation in the first quarter of 2007.

Mr. Williams reported that the November PM<sub>2.5</sub> levels increased slightly to 14.1 µg/m<sup>3</sup>, which is the highest November level since 2001. The annual design value for 35 months, from the beginning of 2004 through November 2006, is 15.5 µg/m<sup>3</sup>. The community continues to make progress toward the goal of 15.0 µg/m<sup>3</sup>. Overall, the 2006 PM<sub>2.5</sub> monthly readings were lower than in 2005. Mr. Williams reviewed the air quality charts that demonstrate this trend. During first quarter of 2007, an air quality task force multi-stakeholder group will be formed to begin working on strategies to achieve attainment with the PM<sub>2.5</sub> standard and make recommendations to the Board.

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

## **D. Excess Emission Report**

The *Excess Emissions Report* dated November 2006 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 Board meeting is scheduled for Wednesday, January 17, 2007, at 10:00 a.m.

### **Adjournment**

The meeting adjourned at 12:26 p.m.

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Mike Howard  
Vice-Chairman

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Jonathan L. Trout  
Secretary-Treasurer