

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
March 15, 2006**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on March 15, 2006, at 10:06 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Lee Howard.

General Statement, Rules, and Purpose

The Vice-Chairman read the opening announcement, rules, and purpose of the Public Hearing, which was to review three proposed amended regulations and one Agreed Board Order.

1. Amendment to Regulation 1.15, *Version of Federal Regulations Incorporated by Reference, Version #13, Draft #1 - Proposed, January 5, 2006*

Jon Trout, District Assistant Director, explained that the purpose of the change to Regulation 1.15 is to update the regulation to identify the most recently published version of the *Code of Federal Regulations*. He said that the District received no written comment regarding this regulation and that the District intends to recommend at today's Board meeting that the Board adopt amended Regulation 1.15, as proposed, pending evaluation of any comments made at today's Public Hearing.

Statements

No statement was made.

2. Amendment to Regulation 5.02 *Adoption of National Emission Standards for Hazardous Air Pollutants, Version #16, Draft #1 - Proposed, January 6, 2006*

Mr. Trout explained that this regulation is updated at least once a year to include new and amended National Emission Standards for Hazardous Air Pollutants (NESHAPs) or Maximum Available Control Technology (MACT) standards adopted by the U.S. Environmental Protection Agency (EPA). This allows the District to directly enforce these federal regulations rather than the EPA. He said that the District received no written comment regarding this regulation. However, after the start of the formal written comment period, the EPA published *Federal Register* notices that affects 40 CFR Part 63 Subpart A (71 FR 8342, 2-16-06), Subpart DDDD (71 FR 8342, 2-16-06), and Subpart SSSSS (71 FR 7415, 2-13-06). He noted that these regulations are already federally enforceable, so inclusion in Regulation 5.02 does not change any rights or responsibilities.

Mr. Trout said the District intends to recommend at today's Board meeting that the Board adopt the proposed amended Regulation 5.02 with the addition of these three *Federal Register* notices, pending evaluation of any comments made at today's Public Hearing.

Statements

No statement was made.

3. Amendment to Regulation 7.02 Adoption of Federal New Source Performance Standards, Version #13, Draft #1 - Proposed, January 5, 2006

Mr. Trout explained that this regulation is updated at least once a year to include new and amended New Source Performance Standards (NSPS) adopted by the EPA. This allows the District to directly enforce these federal regulations rather than the EPA. He said that the District received no written comment regarding this regulation. However, after the start of the formal written comment period, the EPA published *Federal Register* notices that affected 40 CFR Part 60 Subpart Da (71 FR 9866, 2-27-06), Subpart Db (71 FR 9866, 2-27-06), Subpart Dc (71 FR 9866, 2-27-06), and Subpart GG (71 FR 9453, 2-24-06). He noted that these regulations are already federally enforceable, so inclusion in Regulation 7.02 does not change any rights or responsibilities.

Mr. Trout said the District intends to recommend at today's Board meeting that the Board adopt the proposed amended Regulation 7.02 with the addition of these four *Federal Register* notices, pending evaluation of any comments made at today's Public Hearing.

Statements

No statement was made.

4. Agreed Board Order with Marathon Petroleum Company, LLC

Jesse Goldsmith, District Engineering Manager, summarized the alleged violations of the Marathon Petroleum Company: (1) not having an operative vapor recovery system working while loading gasoline, (2) not taking reasonable precautions to prevent particulate matter from becoming airborne, and (3) submitting late compliance reports. He said that the company has taken the necessary steps to comply with the applicable requirements and has agreed to all of the terms outlined in the Agreed Board Order, including an administrative settlement of \$11,250, which has been paid.

Statements

No statement was made.

Adjournment

The public hearing adjourned at 10:13 a.m.

Lee Howard
Vice-Chairman

Jonathan L. Trout
Secretary-Treasurer