

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
May 17, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on May 17, 2006, at 10:10 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: Jonathan Trout, Jesse Goldsmith, Cynthia Lee, Terri Phelps, Eva Addison, Martha Gammons, Diane Hazellief, Marty Layman, Mitzi Powell, Mike Brown, Steve Taylor, Erin Simpson, Michelle Stites, Phyllis Fitzgerald, and Monica Little. Also present was Assistant County Attorney Lauren Anderson.

The following guests were present: Andy Battjes, Brown-Forman; Dennis Conniff, GLI Environmental Affairs Committee; Tim Corrigan, Greater Louisville, Inc.; Sarah Lynn Cunningham, KY Resources Council; Arnita Gadson, West County Community Task Force; Brad Dillon, GD&M; Shannon Graves, SMG; Corinne Greenberg; ADS; Barbara Hall, Ford-Kentucky Truck Plant; Regina Henry, Cemex-Kosmos Cement; Tom Herman, Zeon Chemicals; Tim Hooker; Linebach-Funkhouser; Paul Howard, TTEMI; Joan Lindop, Sierra Club; Jonathan Miller, DuPont Performance Elastomers; Wallace M. Mullen, Sierra Club; Vince Pennick, American Synthetic Rubber Company; Larry Schumer, Tetra Tech; Scott R. Smith, SMG; Kevin Spangler, OxyVinyls; and Paige Mosser Theriac, TECI.

Approval of Minutes

The minutes of the April 19, 2006, Regular Board meeting were approved as distributed.

Public Comment

Dennis Conniff, representing the Greater Louisville, Inc., Environmental Affairs Committee (EAC), reported that the EAC is prepared to support the District's proposed amendments to increase fees if the District's plan to improve the permit program includes the conditions outlined in the EAC's comments to the District regarding Regulation 2.08. The District must have a specific, accountable plan for improving the permit program, not just a list of opportunities.

Unfinished Business

Dr. Cassidy opened the floor for Board member discussion on the District's recommended change to the due date from June 2006 to June 2007 for submitting the proposed report and plan of action as required in the Strategic Toxic Air Reduction (STAR) Program Regulation 5.30.

Ms. Smith stated her disagreement on changing the original deadline. Also, she stated the

Board has not received regular monthly updates and is now being asked to extend the deadline to June 2007. In addition, she stated she is very disappointed and unimpressed with the District's progress with the Regulation 5.30 report. However, she said that she does appreciate the work of the District to increase the salaries for the District's engineers so that the District would become more competitive in hiring and retention.

Ms. Smith stated she would support the motion provided it includes providing the Board with a monthly detailed status report on how the plan is progressing. Ms. Embry stated the request for the District to provide the Board with monthly reports is a reasonable request. Also, she noted that the date to achieve the identified risk goals has not changed, just the planning time to develop a proposed plan. Mr. Trout agreed that providing the Board with a monthly report is a reasonable request.

Chair Cassidy distributed a handout showing the five key components of the STAR program. Mr. Trout stated the first three "points of the star," emissions, dispersion parameters, and modeling, involve identifying the sources of unacceptable risk. The fourth point of STAR is determining what can be done to reduce the risk from these sources and then determining what should be done. The purpose of this extensive review is to develop a prioritized plan to address the significant risks that are identified. As specified in Regulation 5.30, the District will implement a process allowing for active and meaningful stakeholder involvement in the development of, and review and comment on, the report and plan of action.

Ms. Smith requested that the District use the five key components as the framework for the detailed monthly report. Also, she encouraged the District to include in the report any unforeseen challenges in an effort to avoid any future delays. Chair Cassidy said that she hopes the information related to the first three points is data driven and the inventory is well thought out.

Motion: Ms. Smith moved to approve a change in the due date for the District's submittal of a proposed report and plan of action from June 2006 to June 1, 2007.

The motion passed unanimously.

Motion: Ms. Ruffin moved to direct the District to provide a detailed monthly report for the STAR Program Regulation 5.30 activities, beginning at the June 2006 Board meeting.

The motion passed unanimously.

New Business

A. Agreed Board Order No. 06-03

Ms. Phelps, the District's Enforcement Supervisor, recommended to the Board adoption of the Agreed Board Order with Kosmos Cement Company as proposed.

Motion: Ms. Smith moved to adopt the Agreed Board Order with Kosmos Cement Company as recommended by the District.

The motion passed unanimously.

Committee Reports

A. STAR Implementation Advisory Group

Mr. Trout said that the STAR Implementation Advisory Group (IAG.) met April 28, 2006. The three main items discussed were the Regulation 5.30 plan of action outline, the two letters that the District sent to Ford Motor Company regarding interpretations of the STAR program, and the list of issues requested to be addressed by GLI and the Kentucky Resources Council (KRC). The District is in the process of compiling a prioritized list that contains all of the issues raised by GLI and KRC. The District will then schedule the issues for discussion by the STAR IAG. The STAR IAG will increase the number of hours that it meets so that all of the issues have been discussed and recommendations made in the November 2006 time frame.

Mr. Trout said that the next STAR IAG meeting is June 2, 2006, from 9:00-12:00. The Board members and public are invited to attend.

B. Policy Committee

Dr. Cassidy announced that the Policy Committee will meet immediately following the Board meeting.

Staff Report

A. Director

Reporting for Mr. Williams, Mr. Trout said that the Indiana Department of Environmental Management announced its public hearing for redesignation to attainment of the Indiana portion (Clark and Floyd Counties) of the Louisville 8-hour ozone nonattainment area. The public hearing is scheduled for June 14, 2006, 6:00 p.m., at Indiana University Southeast. The Kentucky redesignation application is in the process of final approval. The Kentucky Division for Air Quality will hold a joint 30-day comment period and public hearing with the Board.

Mr. Trout announced that Kentuckiana Air Education (KAIRE) will have a kickoff on Monday, May 22, 2006, 10:00 a.m. at Founders Square Park, located at 5th and Muhammad Ali. This year's campaign slogan, "Breathe," will be displayed on a large banner on the side of the Louisville Gardens.

An administrative hearing is being held regarding the Southland Terrace asbestos issue. The District has previously settled with Southland Terrace and Hogan Development. The hearing involves three additional parties - Yana Elder Company, Elder Construction, and Fred Radcliffe, Jr.

Mr. Trout reported that two job offers have been extended for additional permit engineers. The District continues to conduct interviews to fill the remaining vacant positions.

Mr. Trout provided an update on the Ford Motor Company issue under the STAR program. The District is considering proposing an exemption for new or modified natural gas combustion processes up to 60 million Btu and existing natural gas combustion processes up to 70 million Btu. This issue will be discussed by the STAR Implementation Advisory Group.

Mr. Trout said that the District is nearly ready to test a new monitor to determine if it provides results consistent with the monitoring methodology used in the West Louisville Air Toxics Study (WLATS). The delay in this project was obtaining approval from the U.S. Environmental Protection Agency (EPA) of the quality assurance project plan (QAPP). The District is in the process of calibrating the instruments. The project is expected to be completed in two months.

Mr. Trout said that Sciences International is in the process of performing spacial and temporal analysis of the 2000-2001 WLATS monitoring data and an analysis of the 2001-2005 data collected by the University of Louisville at six of the sites in the original WLATS study. A draft report is expected from Sciences International sometime during July or August.

Ms. Smith said that there were several comments and events in the community that were positive and affirming as they relate to the STAR program. She expressed appreciation for Jonathan Miller's comments regarding DuPont's departure from Louisville and that it was not the STAR regulatory package that prompted the company to leave. Alcoa expressed to its board that there were no adverse affects to the company from the current STAR program. Ford did not publicly state they would be leaving because of the STAR Program. UPS is expanding in Louisville and creating 5,000 new jobs which it would not have considered if STAR had a negative impact on the company.

Ms. Embry asked for clarification of the process to discuss the draft changes to the fees in Regulation 2.08. Mr. Trout responded that the draft regulation will be discussed by the Policy Committee. Approval by the Policy Committee would start the formal Public Review process, including a public hearing before the whole Board. Action on adoption of the proposed regulation changes is taken by the entire Board. Also, Ms. Embry asked if there would be an opportunity for the Board to hear the District's response to GLI's suggested permit program changes. Mr. Trout responded that the District will compare its list of permit program opportunities with GLI's suggestions, highlight and discuss internally the GLI suggestions that were not on the District's list, and determine whether the District believes the additional suggestions are appropriate to be included in the District's plan. If there are suggestions that the District does not agree are appropriate, it will discuss the issues with GLI. Finally, the District will prepare its action plan for improving the permit program, which will likely have a two-year time frame.

Ms. Embry requested that when the plan is presented to the Board, the District provide a thorough explanation for including and excluding the GLI's suggestions. Chair Cassidy said that a decision need not be made at the June Board meeting if more time is needed to discuss the plan

of action, because Board members will need to fully understand the plan.

Ms. Smith commented on the positive progress to improve the permit backlog. She asked the District to provide the Board with additional information, especially regarding the number of permits remaining in the backlog. After discussion, it was agreed that the District would, in addition to the monthly lists of new and completed permits, provide the number of permits remaining in the backlog on a monthly basis and a complete list of the outstanding permits in the backlog on a quarterly basis.

B. Air Quality Data

Mr. Trout reported that for each of the first four months of this year, the monitored monthly concentration of PM_{2.5} was lower than the corresponding monthly concentration monitored in 2005. 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 5/9/06* report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

The *Excess Emissions Report, 4/11/06 through 5/8/06*, 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

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, June 21, 2006, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:53 a.m.

Karen Cassidy
Chairperson

Jonathan L. Trout
Secretary-Treasurer