

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
September 17, 2008**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on September 17, 2008, at 10:03 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Dr. Nadir Al-Shami. Ms. Bonnie Biemer, Board member, also attended the meeting. A quorum was not present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Lauren Anderson, Jon Trout, Cynthia Lee, Larry Garrison, Eva Addison, Erin Vachon, Steve Gravatte, and Monica Little. Also present were Assistant County Attorney Stacy Fritze, and County Attorney staff member Tammy Brown.

The following guests were present: Andy Battjes, Brown-Forman; Brad Dillon, GD&M; Barbara Hall, Ford-Kentucky Truck Plant; Carl Hilton, West Jefferson County Community Task Force; Paul Howard, MACTEC; Cheryl-Lynne Patrick, Frost Brown Todd, LLC; Dave Smith, E.On U.S.; and Paige Mosser Theriac, TECI.

### **Approval of Minutes**

The minutes of the August 20, 2008, Board meeting were not approved since a quorum was not present.

### **Committee Reports**

#### **A. Policy Committee**

Mr. Trout reported that the Board Policy Committee met September 9, 2008, to review the proposed changes to Regulation 2.08 and Regulation 6.40.

Mr. Trout stated the primary reason for the change to Regulation 2.08 is to reduce the permit fee for some very large asbestos demolition/renovation projects by reducing the fee for increments of friable material over five increments by 75%, instead of the current level of one hundred increments. Additionally, the Fiscal Year 2009 (current) fees replace the Fiscal Year 2007 fees, which were current at the time of the last amendment to this regulation.

Mr. Trout said they reviewed the changes to Regulation 6.40 one of which is to exempt a gasoline dispensing facility at a vehicle rental facility from the requirement to operate a Stage II system. This is provided that only vehicles in its fleet are refueled and at least 95% of the vehicles in the fleet are equipped with onboard refueling vapor recovery equipment (ORVR). This change is being proposed because operation of a Stage II system while refueling a vehicle with ORVR may lead to an increase in volatile organic compound (VOC) emissions due to the incompatibility between the Stage II system and the ORVR. Mr. Trout said that the Environmental Protection Agency (EPA) will be monitoring the issue and when a sufficient

percentage of vehicles have on-board controls, it will be appropriate to discontinue Stage II. Mr. Trout said that other changes to Regulation 6.40 include exempting vehicles that use Ethanol 85 from Stage II; exempting Stage II requirements for the initial fueling of new vehicles for auto assembly plants; and removal of the 1993 and 1995 compliance schedule for initial compliance.

Mr. Trout said the Policy Committee approved the proposed changes to the regulations and to begin the public comment period. A public hearing will be conducted prior to the October 2008 Board meeting.

## **Staff Reports**

### **A. Director**

Ms. Anderson, Executive Director, recognized District employees who volunteered to help with food distribution after the recent wind storm. Also, Ms. Anderson recognized Cynthia Lee, Environmental Programs Manager, and Larry Garrison, Air Monitoring Supervisor, and their staff for restoring the air monitoring sites that were damaged during the recent wind storm. Ms. Anderson said the District has informed EPA about the circumstances caused by the storm.

Ms. Anderson reported she has started interviewing candidates for the Environmental Engineering Manager position. Also, interviews are scheduled for the Engineer I vacancies, and the County Attorney position. Ms. Anderson said she has began recruitment to fill the Information Systems Analyst vacancy, which is a key position that will help the District transition to the Hansen computer program.

Ms. Anderson said that two engineering employees, Steven Taylor and Virginia Rhodes, are currently attending an EPA workshop in Atlanta for training on the federal New Source Review program and prevention of significant deterioration (PSD.)

Ms. Anderson updated the Board on the status of the vacatur of the Clean Air Interstate Rule (CAIR.) She said the vacatur is not in effect, but CAIR is in effect. EPA was granted an extension to file a petition for reconsideration and Congress is considering legislature to resolve the problem. Ms. Anderson said the ruling will affect many areas throughout the country but will be a minor concern for Louisville since Louisville Gas & Electric Company is the only facility that is affected by CAIR.

Ms. Anderson reported that the Idling Reduction Working Group (IRWG) will have its final meeting on September 24, 2008. The IRWG will present a final report with recommendations to the Board. Ms. Anderson recognized Ms. Lee and the Environmental Programs staff for their guidance with the IRWG.

### **B. Air Quality Data**

Ms. Lee, Environmental Programs Manager, reviewed the monthly ozone report dated August 2008. Ms. Lee reported one exceedance occurred in the community since the August 2008 Board meeting. She stated that with the new standard of 75 ppb, the design value is 77 at

Buckner and the community will be in non-attainment unless the ozone value decreases before redesignation.

Ms. Lee stated the community is currently in attainment for the PM<sub>2.5</sub> annual standard. She said that if community maintains readings similar to previous years, all of the monitors in Jefferson County will be in attainment. Ms. Lee reported that monitoring sites in Shepherdsville, Kentucky and Floyd County, Indiana are in attainment, but the Clark County site in Jeffersonville, Indiana is at the design value and is expected to remain in non-attainment of the PM<sub>2.5</sub> annual standard.

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

### **C. Enforcement Status**

The enforcement reports were submitted for filing. A copy is attached to the original minutes.

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

The August 2008 *Excess Emissions Report* was submitted for filing. A copy is attached to the original minutes.

### **E. STAR Program Projects**

The *STAR Program Projects* report dated September 16, 2008, was submitted for filing. A copy is attached to the original minutes.

### **F. Permit Application Reports**

Ms. Anderson reported that during August 2008, the engineering section received 25 permit applications and issued 33 permits, for a net backlog decrease of 8.

The permit application reports were 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 scheduled for Wednesday, October 15, 2008, at 10:00 a.m.

### **Adjournment**

The meeting adjourned at 10:17 a.m.

---

Dr. Nadir Al-Shami  
Vice-Chairman

---

Jonathan L. Trout  
Secretary-Treasurer