

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
February 21, 2007**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on February 21, 2007, at 10:08 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 Mr. Lee Howard, Dr. Nadir Al-Shami, Ms. Barbara Sexton Smith, Ms. Vanessa Ruffin, Mr. 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, Terri Phelps, Matt Stull, Art Chang, Phyllis Fitzgerald, Michelle Stites, Tua McDermott, Steven Gravatte, Corey Ryan, Adam Monroe, Jenny Rhodes, Lilibeth Lanceta, Matt King, Narathip Chitradon, D.J. Fountain, Bo Fawbush, and Monica Little. Also present were Assistant County Attorneys Stacy Fritze and Kathryn Hargraves and County Attorney staff Tammy Brown.

The following guests were present: Dennis Conniff, GLI Air Toxics Task Force; Chris Dolan, URS; Barbara Hall, Ford Kentucky Truck Plant; Tim Hooker, Linebach-Funkhouser, Inc.; Kevin McAdams, citizen; Jonathan Miller, DuPont Performance Elastomers; Rich Robinson, American Synthetic Rubber Company; Kevin Spangler, Oxy Vinyls, LP; Paige Mosser Theriac, TECI; Wallace McMullen, Sierra Club; Samuel Tebach, Oreneji Kareem, and Muldoni Asante, Bellarmine University; and Simin Khodadadi, SPHI.

Introduction of New Staff

Mr. Williams introduced Narathip Chitradon, Engineer I, and Kathryn Hargraves, Assistant County Attorney assigned to work with the District.

Public Recognition

Ms. Fitzgerald presented a *Lawn Care for Cleaner Air* certificate to Kevin McAdams for landscaping his yard with grass which is mowed only once a year.

Approval of Minutes

The minutes of the January 17, 2007, regular Board meeting were approved as distributed.

Committee Reports

A. Strategy Committee

Mr. Trout reported that the Strategy Committee met February 12, 2007, to review the second set of changes to Regulation 5.21 resulting from the STAR Implementation Advisory Group review process. The committee approved the draft to begin the formal Public Review Process, which includes a 30-day written comment period and a public hearing. The comment period

runs from February 15, 2007, to March 16, 2007. The public hearing is scheduled for March 21, 2007, at the regular Board meeting.

B. STAR 5.30 Stakeholder Group

Mr. Trout reported that the Strategic Toxic Air Reduction (STAR) 5.30 Stakeholder Group met February 8, 2007. The Stakeholder Group reviewed the draft Report and Plan of Action that included background information on the Regulation 5.30 process and how the work of each of the committees would fit into the final report. The Health/Risk Committee is addressing environmental acceptability goals to recommend to the Stakeholder Group. Mr. Trout said that the last several meetings of the committees have been especially productive as risk information regarding the various source categories has been developed and the tasks of the committees have become more clear.

Ms. Smith said that she is very enthusiastic to report on the feedback she received following the last Stakeholder Group meeting. Committee members have expressed that their goal is to ensure that the committee suggestions and recommendations are solid and based on sound science. The four committee chairs have all expressed concern whether a thorough report and recommended actions can be developed by the June deadline. As a result of this input from the committee chairs and others on the Stakeholder Group, Ms. Smith indicated that there is a possibility the Board may be asked to extend the June 1, 2007, reporting date. Ms. Smith said that she will know if an extension will be needed after the committees conduct their next set of meetings. Ms. Smith extended an invitation to the other Board members to attend the Stakeholder Group and committee meetings.

C. STAR Implementation Advisory Group

Mr. Trout reported that the STAR Implementation Advisory Group (IAG) met February 2, 2007, and February 9, 2007, to review STAR program issues. The first set of issues the committee reviewed, involving Regulations 5.01, 5.21, and 5.22, were adopted at the January 2007 Board meeting. The second set of changes, involving only Regulation 5.21, were approved by the Strategy Committee to begin the formal Public Review Process.

Staff Reports

A. Director

Mr. Williams reported that there has not been any progress with the request for redesignation of the Louisville area to attainment for the 8-hour ozone standard. The U.S. Environmental Protection Agency (EPA) has put the application on hold until a determination is made on what action the agency will take in light of the December 2006 ruling by the U.S. Court of Appeals for the D.C. Circuit on the 8-hour ozone implementation rule. Mr. Williams said that the District is urging the EPA to reconsider holding up the Louisville area redesignation.

The EPA Region 4 office is sponsoring a toxics conference the week of February 26, 2007. The District will make a presentation on the STAR Program and several District staff will attend

the conference in Atlanta, Georgia. Also, EPA Region 4 has advised the District of the region's air qualities priorities in 2008 which include focusing on fine particles, toxics, and climate change.

Mr. Williams announced that the second meeting of the Climate Change Committee is scheduled for February 22, 2007.

Mr. Williams updated the Board on the District's recruitment efforts to hire additional engineers. He commended the engineering section on doing superb work despite the section being understaffed, having a large backlog, and implementing a new permit program. He said that another review of the salary levels for the engineering section will be conducted, which may lead to increased salaries, in order to attract and retain engineers.

B. Air Quality Data

Mr. Williams said that the January monitored PM_{2.5} (fine particle) levels were the lowest since the District began monitoring in 1999. The low reading in January is a very positive start to the 2007 year.

The State Implementation Plan (SIP) to address fine particle levels is due in April 2008. Mr. Williams announced that the District will start a stakeholder process in April 2007, and will invite some of the Air Quality Task Force (AQTF) stakeholders who worked on the 8-hour ozone plan to join the committee. The new AQTF may also include some new members. The AQTF will identify strategies that can be included in the SIP for addressing the community's fine particle levels.

Mr. Williams said that the Kentucky Division for Air Quality (DAQ) had intended to start a formal rulemaking process on its draft air toxics regulations by February 15, 2007. However, the DAQ has recently indicated that the target date for starting the formal rulemaking process is now March 15, 2007.

The District is still waiting for the final comparison study report from the EPA on the Cerex UVSentry monitoring equipment that was tested last July. Mr. Williams said that the District is expecting the report to be sent within the next few weeks.

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

C. Enforcement Status

Mrs. Phelps said that the enforcement report was reformatted to display the information in reverse chronological order, with the most recent cases being displayed first in the report. Mrs. Phelps reported that action is being taken to resolve the oldest cases.

The *APCD Enforcement Status 2/14/07* report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

The *Excess Emissions Report*, dated January 2007, was submitted for filing. A copy is attached to the original minutes.

E. STAR Program Tracking Report

The *STAR Program Projects* report, dated February 18, 2007, was submitted for filing. A copy is attached to the original minutes.

F. STAR Program Regulation 5.30 Progress Report

The *Regulation 5.30 Program Status Report, February 2007*, was submitted for filing. A copy is attached to the original minutes.

G. Permit Program Report

The January 2007 permit application logs were submitted for filing. A copy is attached to the original minutes.

H. 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

Chair Cassidy announced that two special meetings will be held in March in addition to the regular Board meeting: (1) March 9, 2007, at 9:30 a.m., a training session is scheduled to assist the Board with the process of deciding cases that have undergone an administrative hearing, and (2) March 16, 2007, at 9:00 a.m., a public hearing on the Louisville Paving case will be held, followed by a special meeting for the Board to consider this case.

In addition, Chair Cassidy reminded the Board members that they serve in a quasi-judicial role in determining the outcome of the Louisville Paving case. She admonished the Board to refrain from discussing the administrative hearing case with the parties involved in the case, noting that the District is one of the parties, or any other interested persons.

Mr. Williams said that a former long-term director of the District, Bob Offutt, will be recognized at the March Board meeting. Mr. Offutt served as director from 1969 to 1993.

The next regular Board meeting is scheduled for Wednesday, March 21, 2007, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:32 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer