

## **Louisville Metro Air Pollution Control District Advance Notice of Proposed Rulemaking**

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**Regulations 1.06, 2.11, 5.00, 5.01, 5.11, 5.12,  
5.20, 5.21, 5.22, and 5.23  
January 21, 2009**

### **Purpose of the Advance Notice of Proposed Rulemaking:**

The Louisville Metro Air Pollution Control District is evaluating the effectiveness of its regulations in light of three policy objectives: Streamlining the process for issuing permits, implementing the Strategic Toxic Air Reduction (STAR) program for reducing the emissions of toxic air contaminants (TACs), and evaluating the recommendations set out in the STAR Regulation 5.30 Stakeholder Group Report and Plan of Action, available on the District's web site at:

<http://www.louisvilleky.gov/APCD/STAR/Reg530Report.htm>

The District is distributing this advance notice to inform the public of its current thinking about its STAR and STAR-related regulations. The District will consider any comments it receives on this advance notice as it drafts amendments to those regulations. Comments should be submitted by 5:00 p.m., Eastern Time, February 6, 2009, and may be submitted by e-mail to [airregs@louisvilleky.gov](mailto:airregs@louisvilleky.gov), or by mail or telefax addressed to:

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### **Scope of the Proposed Amendments to the Regulations:**

#### Generally

In general, the amendments are designed to clarify the text, reduce the number of cross-references to other regulations, consolidate STAR definitions into one regulation, and change the term "process or process equipment" to "affected facility."

### Regulation 1.06 Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting

- Stage II gasoline dispensing stations will submit emissions statements for throughput every third year for the previous year, instead of annually for the previous year, since throughput has little variation. Specific language for cold cleaners will be deleted as redundant.
- Specific language on emissions statements for auto body shops and dry cleaners will be deleted as redundant.
- Section 5 governing enhanced emissions statements for TACs will be deleted. TACs will be added to the emissions statements required by Section 4. Nearly all of the TACs are already part of the Section 4 emissions statements. In addition, the deadlines for submitting process-specific information pursuant to Section 5 have passed and the District has received that information.
- Process-specific information, including related stack- and fugitive-specific parameters, will be called in by the District when needed.

### Regulation 2.11 Air Quality Model Usage

- The District may approve the use of an air quality model that deviates from 40 CFR Part 51 Appx.W if compliance with Appx.W is not required by the Clean Air Act, EPA, or the State Implementation Plan.

### Regulation 5.00 Definitions

- STAR program definitions will be moved to this new regulation, with other definitions used in the Part 5 regulations to be added at a later date.

### Regulation 5.01 General Provisions

- STAR program definitions will be moved to Regulation 5.00.

### Regulation 5.11 Standards of Performance for Existing Processes and Process Equipment Emitting Toxic Air Pollutants

- This regulation governing toxic air pollutants (TAPs) will be repealed. A source with an operating permit based on Regulation 5.11 will be evaluated when the permit is renewed or modified to see if the STAR program should apply.

### Regulation 5.12 Standards of Performance for New or Modified Processes and Process Equipment Emitting Toxic Air Pollutants

- This regulation governing toxic air pollutants (TAPs) will be repealed. A source with an operating permit based on Regulation 5.12 will be evaluated

when the permit is renewed or modified to see if the STAR program should apply.

#### Regulation 5.20 Methodology for Determining Benchmark Ambient Concentration of a Toxic Air Contaminant

- The definitions will be moved to Regulation 5.00.
- A process will be established for “delisting” a TAC previously determined to be carcinogenic, using the same process by which the TAC was listed.
- A process for establishing a Unit Risk Estimate (URE) or a Baseline Ambient Concentration for a carcinogen (BAC<sub>C</sub>) governing radon and other radionuclides will be created.

#### Regulation 5.21 Environmental Acceptability for Toxic Air Contaminants

- Definitions will be moved to Regulation 5.00.
- Stationary sources governed by this regulation will be:
  - Title V (major) sources;
  - Non-exempted FEDOOP sources;
  - A Title V source or a FEDOOP source constructing or modifying an affected facility;
  - A minor source for which the District determines that TAC emissions may violate Regulation 5.01, which prohibits emissions at levels that may be harmful to humans, animals or plants;
  - A minor source that becomes a Title V source or a FEDOOP source, in which case this regulation will apply source-wide; and
  - A source with an operating permit condition based on Regulation 5.11 or 5.12 for which the District determines that TAC emissions may violate Regulation 5.01.
- Exempted FEDOOP sources will be those with only the following affected facilities:
  - Stage II gasoline dispensing facilities subject to Regulation 6.40, including those with a cold cleaner subject to Regulation 6.18 Section 4;
  - Auto body shops subject to Regulation 6.44 or 7.79, including those with a waste oil furnace and/or a cold cleaner;
  - Dry cleaners subject to Regulation 5.02 Section 3.12; and
  - Cold cleaners subject to Regulation 6.18 Section 4.
- De minimis TAC emissions will continue to be excluded from environmental acceptability demonstrations.
- All sources submitting an environmental acceptability demonstration will be evaluated to see if a STAR permit will be required. A STAR permit will be issued if a source must use control technology or meet an emissions limitation to comply with environmental acceptability goals. A STAR permit will be an interim measure effective until the source’s operating permit is renewed or modified, and will contain only those conditions assuring compliance with the

environmental acceptability goals. When a source's operating permit is renewed or modified, the STAR-related conditions will become a part of that operating permit.

- Deadlines will be extended for the Group 2 sources now required to submit environmental acceptability demonstrations and compliance plans. The District is reviewing the environmental acceptability demonstrations and compliance plans submitted by Group 1 (Title V) sources. Title V sources emit approximately 95% of the TACs emitted by stationary sources.
- Postcards will not be sent to persons identified as first- and second-tier property owners by Louisville Metro Planning and Design Services.

#### Regulation 5.22 Procedures for Determining the Maximum Ambient Concentration of a Toxic Air Contaminant

- An intermittent rate of less than 10% may be used when determining the maximum ambient concentration of a TAC, for sources that accept enforceable limits or demonstrate that emissions are so low-level and of such short duration there won't be acute health effects.
- References to the EPA Regional Air Impact Modeling Initiative (RAIMI) tool and the AERMOD model will be updated.
- The District may approve alternative modeling for the STAR program.

#### Regulation 5.23 Categories of Toxic Air Contaminants

- Ethyl acrylate will be moved from Category 1 to Category 4, since the basis for listing it as a carcinogen no longer exists.

#### **Next Actions:**

The District will consider comments on this advance notice in considering amendments to its STAR and STAR-related regulations, and will convene a stakeholder group in February to be comprised of industry, environmental and citizen representatives.

In addition, the District soon will be releasing its proposal on the unnecessary idling of motor vehicles and off-road equipment, to implement the recommendations of the Idling Reduction Working Group (IRWG). The IRWG was convened in response to recommendations from three stakeholder groups that the District regulate unnecessary idling. The IRWG's advisory report is available on the District's web site at:

<http://www.louisvilleky.gov/APCD/Stakeholder/IRWGDocuments.htm>

Finally, the District will be proposing amendments to its regulations to streamline the process for issuing permits, as well as amendments designed to implement STAR Regulation 5.30.