

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
October 18, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on October 18, 2006, at 10:07 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, Mr. Robert 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, Matt Stull, Terri Phelps, Cynthia Lee, Michelle Stites, Art Chang, Erin Simpson, Steven Gravatte, Corey Ryan, Steve Taylor, Jenny Rhodes, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze, and County Attorney staff Allison Grant and Tammy Brown.

The following guests were present: Tim Corrigan, GLI; Sarah Lynn Cunningham, Kentucky Resources Council; Brad Dillon, GD&M; Barbara Hall, Ford Kentucky Truck Plant; Rachael Hamilton, Frost Brown Todd; Scott Hooker, Ralcorp Frozen Bakery Products; Tim Hooker, LFI; Jonathan Miller, DuPont Performance Elastomers; Vince Pennick and Rich Robinson, American Synthetic Rubber Company; Paige Mosser Theriac, TECI; Sarah Scheetz, E.ON U.S.; and Dan Weiss, Duke Energy.

### **Approval of Minutes**

The minutes of the August 16, 2006, and September 20, 2006, public hearings and regular Board meetings were approved as distributed.

### **Unfinished Business**

#### **A. Agreed Board Order with Metropolitan Sewer District**

Ms. Phelps, Enforcement Supervisor, explained that no action on the Metropolitan Sewer District (MSD) Agreed Board Order was taken following the September 20, 2006, public hearing because there was not a quorum at that Board meeting. She said that the District recommends the adoption of the Agreed Board Order with MSD as proposed with the exception that the deadline for completion of stack testing be extended to November 15, 2006. She indicated that the District believed that this extension was appropriate because the District was considering the approval of an alternative test method.

**Motion:** Mr. Thomas moved to adopt the Agreed Board Order with the Metropolitan Sewer District, as proposed, but including the recommended extension for the completion of stack testing.

The motion passed unanimously.

## **New Business**

### **A. Agreed Board Order with Ralcorp Frozen Bakery Products, Inc., d.b.a. Bakery Chef, Inc.**

Ms. Phelps said that the District recommends the adoption of the Agreed Board Order with Ralcorp Frozen Bakery Products, Inc., as proposed.

**Motion:** Dr. Al-Shami moved to adopt the Agreed Board Order with Ralcorp Frozen Bakery Products, Inc., as recommended by the District.

The motion passed unanimously.

### **B. September 2006 Revisions to the NAAQS for Particulate Matter**

Mr. Williams summarized the revised National Ambient Air Quality Standards (NAAQS) for fine particle pollution and the implementation schedule. He discussed a map developed by the U.S. Environmental Protection Agency (EPA) that shows the areas of the country, including the Louisville area, that currently exceed the fine particle standards. He said, however, that the EPA is projecting that the Louisville area to meet the revised NAAQS by 2015. Mr. Williams said that he believes that the Louisville area will meet the standard sooner, because the trend has been moving towards attainment. Although the EPA had also made changes to the coarse particle NAAQS, PM<sub>10</sub>, which are 10 microns in width, the Louisville is expected to remain in compliance with the revised PM<sub>10</sub> NAAQS.

## **Committee Reports**

### **A. Air Quality Task Force Report Committee**

Mr. Trout reported that the Air Quality Task Force Report Review Committee met October 16, 2006. The District recommended, and the Committee approved, for full Board consideration at the November 15th meeting, implementation of eleven measures in a Phase 1 program to further reduce ozone precursor emissions over the next one to two years.

### **B. STAR 5.30 Stakeholder Group**

Mr. Williams reported that the STAR 5.30 Stakeholder Group (5.30 Group) met October 12, 2006. The main agenda item was a presentation by Dr. Ken Mitchell, Chief, Air Toxics Assessment and Implementation Section, EPA Region 4, on the EPA's federal air toxics programs. Mr. Williams said that the 5.30 Group will now be co-chaired by Barbara Sexton Smith, Board member, and Karen Scott of the Regional Airport Authority.

The 5.30 Group also formed four committees to focus on specific issues. These committees are 1.) Health/Risk, 2.) Area and Minor Source, 3.) Mobile and Non-Road Mobile Source, and 4.) Report and Plan of Action.

### **C. STAR Implementation Advisory Group**

Mr. Trout reported that the STAR Implementation Advisory Group (STAR IAG) met September 22, 2006, and October 6, 2006. The STAR IAG continues to make progress discussing STAR program issues. Discussion of draft revisions to three STAR Program regulations for the first set of issues is nearly completed. Mr. Trout said that the District will, in the near future, schedule a meeting of the Strategy Committee to recommend beginning the formal Public Review process for these three amended regulations.

## **Staff Reports**

### **A. Director**

Mr. Williams reported that in early October 2006, the nation-wide requirement for ultra low sulfur diesel (ULSD) fuel for on-road vehicles took effect. The ULSD fuel is required to meet a sulfur level of 15 parts per million (ppm), which is significantly lower than the 500-ppm-sulfur diesel fuel that had been available previously. In addition to reducing emissions, sulfur acts as a poison for catalytic converters. The removal of sulfur will allow for the use of additional control devices to reduce the emissions from diesel engines. The phase-in for the EPA's new diesel engine technology requirements will occur over the next three to four years, although replacement of the diesel fleet with these new engines and controls will take longer because many diesel vehicles are in service for fifteen to twenty years.

Dr. Powell asked whether the use of ULSD fuel is a seasonal requirement. Mr. Williams responded that ULSD fuel is a year-round requirement. Ms. Lee, Environmental Manager, added that complete phase-in of ULSD fuel is allowed over the next-two year period, although ULSD fuel is currently being used by 80% of the market.

Mr. Williams said that the risk assessment report from Sciences International is expected to be completed in the next three to four weeks. The report will analyze monitoring data from the last quarter of 2001 to the end of 2005. He reported that the Kentucky Division for Air Quality (DAQ) recently released draft statewide air toxics regulations. Mr. Williams said that he and Mr. Trout will attend a meeting in Frankfort on October 19, 2006, at which the DAQ will make a presentation on these draft regulations.

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

Mr. Williams reported that the Kentucky request for redesignation to attainment of the 8-hour ozone standard remains under review by EPA Region 4. He said that he expects final action to occur in the next two to three months.

Mr. Williams reviewed two graphical reports of historical (1992 to 2006) 8-hour ozone exceedances. He explained that the reports show that in addition to the magnitude of exceedances diminishing, the length of the period over which exceedances have occurred is getting shorter. These reports are helpful to the KAIRE (Kentuckiana AIR Education) Program in determining the appropriate period over which to focus public information messages for the community on actions to take to reduce the generation of ozone precursor emissions.

Mr. Williams reported that there were unusually low readings for fine particles in September 2006. The monitored September average was 14.2  $\mu\text{g}/\text{m}^3$ , which is the lowest reading since the year 2000. However, given the higher than usual readings for July and August, he said that the District does not believe that the Louisville area will reach attainment this year.

### **C. Enforcement Status**

The *APCD Enforcement Status* 10/9/06 report was submitted for filing. A copy is attached to the original minutes.

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

The *Excess Emissions Report* dated September 2006 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**

Mr. Williams reported a lower number of permits were issued in September than the previous two months. Mr. Goldsmith, Engineering Manager, explained that the higher number of permits issued in previous months reflected the highest priority being given to issuing permits. Mr. Goldsmith said that over the last month a higher priority had been given working on emissions inventory and STAR Program requirements, although work had continued actively on issuing construction permits. Mr. Goldsmith said that he anticipates a lower number of permits being issued in October and November. Another factor for the decrease in issuing permits in September is that two staff members were out of the office on leave.

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, November 15, 2006, at 10:00 a.m. The December Board meeting has been moved to one week earlier, to December 13, 2006, due to the holidays.

### **Adjournment**

The meeting adjourned at 10:34 a.m.

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Dr. Karen Cassidy  
Chair

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Jonathan L. Trout  
Secretary-Treasurer