

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
January 16, 2008**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on January 16, 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 Chair, Dr. Karen Cassidy. Other Board members present were Mr. Lee Howard, Dr. Nadir Al-Shami, Ms. Barbara Sexton Smith, 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, Matt Stull, Jesse Goldsmith, Cynthia Lee, Terri Phelps, Larry Garrison, Eva Addison, Michelle Stites, Erin Vachon, Chris Bobay, Shane Corbin, Diane Hazellief, T.J. Jessie, Craig Butler, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson, Stacy Fritze, and Kathy Hargraves, and County Attorney staff member Tammy Brown.

The following guests were present: Gil Alexander, MACTEC; Andy Battjes, Brown-Forman; Tim Corrigan, GLI; Mike DeBusschere, KEC; Chris Dolan, URS; Leslie Eggen and John Gowins, KY Division for Air Quality; Carolyn Embry, American Lung Association; Barbara Hall, Ford Kentucky Truck Plant; Lauren Heberle, U of L; Regina Henry, Cemex Kosmos; Tim Hooker, LFI; Carl Horneman, Wyatt, Tarrant & Combs; Greg Long, Ford Louisville Assembly Plant; Wallace McMullen, Sierra Club; Julie Martinet, DuPont Performance Elastomers; Sarah Scheetz, E.ON U.S.; Kevin Spangler, Oxy Vinyls; and Dan Weiss, Duke Energy.

Approval of Minutes

The minutes of the regular meeting on December 19, 2007, were approved as distributed.

New Business

A. Final Report from the Fine Particle Air Quality Task Force

Dr. Robert Powell, Chairman of the Fine Particle Air Quality Task Force (Task Force), presented an overview of the work the Task Force conducted over an eight-month period to develop the final Report and Plan of Action. Individuals who served on the Task Force represented business, industry, manufacturing, health professionals, and environmentalists. Also contributing to the Task Force were a number of District staff members.

Dr. Powell explained that the charge of the Task Force was to identify, evaluate, and recommend strategies for achieving the annual PM_{2.5} standard. The Task Force began meeting in May 2007 with the primary focus of the first three meetings on understanding the creation and complexities of fine particulate matter. In August 2007, the Task Force established five subcommittees to collect and analyze regional modeling and emissions inventory data, review control measures currently in place in the Louisville nonattainment area and recommend

implementation of control measures that are reasonably available, review the adequacy of the current standard to protect public health with an ample margin of safety, and oversee the development of the Report and Plan of Action. The subcommittees presented their reports to the Task Force, which reached agreement on the final report in December 2007.

Dr. Powell explained that implementing the recommendations will require action at the local, state, and national levels. Dr. Powell indicated that the next step is for the Board to review the Report and Plan of Action, which contains a total of 63 recommendations, eight of which are identified as leading recommendations to reduce ambient fine particulate levels. He said that the Task Force did not group the recommendations based on priority, and asked the Board to take the lead in prioritizing the recommendations.

Dr. Cassidy asked the Board members to review the Report and Plan of Action and be prepared to discuss the report at the February 2008 Board meeting. Dr. Cassidy thanked members of the Task Force and District staff for their leadership in developing the report.

B. Amendment to Regulation 1.03 *Abbreviations and Acronyms*, Version #6, Draft #1 - Proposed, October 1, 2007

Mr. Trout said that the District recommends that the Board adopt amended Regulation 1.03, Version #6, Draft #1, dated October 1, 2007, as proposed.

Motion: Mr. Howard moved to adopt amended Regulation 1.03, as recommended by the District.

The motion passed unanimously.

C. Amendment to Regulation 1.08 *Administrative Procedures*, Version #12, Draft #3 - Proposed, September 26, 2007

Mr. Trout said that the District recommends that the Board adopt amended Regulation 1.08, Version #12, Draft #3, dated September 26, 2007, as proposed.

Motion: Dr. Al-Shami moved to adopt amended Regulation 1.08, as recommended by the District.

The motion passed unanimously.

C. Amendment to Regulation 1.11 *Control of Open Burning*, Version #10, Draft #5 - Proposed, November 28, 2007

Mr. Trout said that the District recommends that the Board adopt amended Regulation 1.11, Version #10, Draft #5, dated November 28, 2007, as proposed with the correction in Line 22, changing the reference to section 2.1.2 to read section 2.1.3.

Motion: Dr. Powell moved to adopt amended Regulation 1.11, with the correction in

Line 22, as recommended by the District.

The motion passed unanimously.

D. Amendment to Regulation 1.19 *Administrative Hearings*, Version #2, Draft #1 - Proposed, September 26, 2007

Mr. Trout said the District recommends that the Board adopt amended Regulation 1.19, Version #2, Draft #1, dated September 26, 2007, as proposed.

Motion: Mr. Thomas moved to adopt amended Regulation 1.19, as recommended by the District.

The motion passed unanimously.

Committee Reports

A. Policy Committee

Mr. Trout reported the Policy Committee met on December 19, 2007, to review draft amendments to Regulation 1.15, Regulation 5.02, and Regulation 7.02. These regulations are being revised to incorporate federal regulations by reference updates. The Policy Committee approved the regulations to begin the formal public review process. The written comment period began December 27, 2007, and the public hearing will be held at the February 2008 Board meeting.

B. Fine Particle Air Quality Task Force

Ms. Lee said that the Fine Particle Air Quality Task Force (Task Force) held its last meeting on December 20, 2007. At that meeting, the Task Force came to a substantial agreement on the final report that Dr. Powell presented during the Board meeting.

Staff Reports

A. Director

Mr. Williams announced that the Ozone Air Quality Task Force will reconvene on January 31, 2008, prompted by the violation of the 8-hour ozone standard that occurred this past summer. The Ozone Air Quality Task Force will review the contingency measures contained in the maintenance plan and other options for reducing emissions to develop a recommendation for additional measures that should be implemented locally to address the violation.

Mr. Williams clarified a statement that was written by James Bruggers in the January 16, 2008, edition of *The Courier-Journal*. Mr. Williams said that the article stated that the community is trying to be exempted from the 24-hour PM_{2.5} standard. He said that it was more accurate to state that the District and the Commonwealth of Kentucky have made a

submittal to the U.S. Environmental Protection Agency seeking to have specific dates, when wild fires and similar events occurred, excluded from being used to determine attainment of the PM_{2.5} standard. Mr. Williams said it is not possible for a community to be exempted from the 24-hour standard.

Mr. Williams said that the Report and Plan of Action developed by the Fine Particle Air Quality Task Force positions the community on the leading edge of communities nationwide that are proactively trying to improve air quality. He stated that, in conjunction with the ozone implementation strategies, STAR 5.30, the STAR program, and the future climate change action plan, he feels confident that air quality and public health will continue to improve, and will provide a platform for improved economic health for our community.

Mr. Williams reported that District staff will present the proposed implementation plan for the STAR 5.30 recommendations at the February 2008 Board meeting.

Mr. Williams said that DuPont Performance Elastomers (DuPont) is scheduled to close its Rubbertown facility on February 11, 2008. The DuPont plant emits chloroprene, which is one of the chemicals with the highest cancer risks monitored in the Louisville area. With the closure of the plant, he expects the chloroprene levels in the ambient air to drop to zero. He said that the District will work closely with the University of Louisville monitoring team to track the levels of chloroprene after the DuPont plant ceases operation.

Mr. Williams reported that the Climate Change Committee held its regular monthly meeting on December 14, 2007, and the six subcommittee are meeting with the goal of developing a Louisville Climate Action Plan by the end of 2008 or early 2009. He said that one of the tasks is to develop a greenhouse gas emissions inventory for the community. The Louisville Metro Purchasing Department is reviewing a recommendation on the preferred vendor the District is seeking to hire after requests for proposals were submitted by seven vendors. He said that the goal is to have the Louisville community's first greenhouse gas emissions inventory by mid to late summer 2008. The inventory will contain data on the 1990 greenhouse gas emissions and what they are projected to be into the future. Mr. Williams said that community is obligated to achieve a seven percent reduction in greenhouse gas emissions below 1990 levels. Chair Cassidy asked Mr. Williams what geographical area the greenhouse gas emissions inventory will include. Mr. Williams said the inventory is primarily focused on Jefferson County.

Mr. Williams reported on the explosion at the BASF facility in the Portland neighborhood on January 15, 2008. The District is investigating the incident and more information on the explosion will be reported at the February 2008 Board meeting.

Mr. Williams said a new graph is being developed that will track the time of construction permit issuance for the three categories of companies, Title V, FEDOOP, and minor sources. He explained that the delay in developing the report is due to the resignation of one of the database application specialists.

B. Air Quality Data

Mr. Williams reported that the December 2007 PM_{2.5} reading was 14.1 µg/m³, which is a slight increase from 2006 but is generally in line with other December readings. He said that for the three-year period from 2005 to 2007 versus the three-year period from 2004-2006, the Louisville area has had a slight increase in the three-year average, from 15.4 µg/m³ to 15.6 µg/m³. He explained that the increase was due to the year 2007 having higher levels than 2004 which dropped out of the calculation.

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* 1/10/08 report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

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

E. STAR Program Projects

The *STAR Program Projects* report, dated January 10, 2008, was submitted for filing. A copy is attached to the original minutes.

F. Permit Application Logs

Mr. Williams said that there was a net reduction of 12 permits in December 2007. During December 2007, 43 permits were issued and 31 new permit applications were received. He said that the permit backlog is now under 300 applications.

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

G. Permits Over Time

The *Permits Over Time* report for January 2004 to December 2007 was 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

The next regular Board meeting is scheduled Wednesday, February 20, 2008, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:42 a.m.

Lee Howard
Vice- Chairman

Jonathan L. Trout
Secretary-Treasurer