

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
June 20, 2007**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on June 20, 2007, 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, Jesse Goldsmith, Matt Stull, Cynthia Lee, Terri Phelps, Michelle Stites, Dee Lynch, Eva Addison, Erin Vachon, Steve Taylor, Steven Gravatte, Corey Ryan, Tua McDermott, Anne Marie Gauntlett, Shannon Clemons, Lilibeth Lanceta, Bob Wesely, Matt King, Randy Schoenbaechler, Craig Butler, Sanjay Dulabh, Josh Tennen, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson, Stacy Fritze, and Kathryn Hargraves, and County Attorney staff member Tammy Brown.

The following guests were present: Ben Basil, Rep. John Yarmuth's staff; Peggy Bolton, WJCCTF; Dennis Conniff, GLI/Air Toxics Task Force; Tim Corrigan, GLI; Brad Dillon, GD&M; Carolyn Embry, American Lung Association; Arnita Gadson, U of L/WJCCTF; Barbara Hall, Ford - Kentucky Truck Plant; Jonathan Miller, DuPont Performance Elastomers; and Paige Mosser Theriac, TECL.

Introduction of New Staff

Mr. Williams, Director, introduced three new District staff members: Craig Butler, Environmental Coordinator in Environmental Programs; Randy Schoenbaechler, Engineer I in the Stationary Sources Unit; and Josh Tennen, Environmental Specialist in the Air Quality Unit.

Approval of Minutes

The minutes of the regular Board meeting on May 16, 2007, were approved as distributed.

New Business

A. Recognition of West Jefferson County Community Task Force for contributions to the STAR Program

Mr. Williams said that the District's Strategic Toxic Air Reduction (STAR) Program received the Clean Air Excellence award in May 2007 from the U.S. Environmental Protection Agency (EPA). The award was presented to Mr. Williams and Dr. Cassidy in Washington, D.C. Mr. Williams explained that the West Jefferson County Community Task Force (WJCCTF) was a key community partner and stakeholder and was instrumental in the District receiving the award. The WJCCTF was formed over 10 years ago as the lead community stakeholder group involved in a wide range of environmental issues in the West County area with air quality and pollution

issues being preeminent among the issues. Mr. Williams presented a duplicate of the Clean Air Excellence award to Arnita Gadson and Board members of the WJCCTF to recognize their contributions to the success of the STAR Program and their ongoing community leadership.

B. Update on Implementation of Air Quality Task Force (AQTF) Recommended 8-Hour Ozone Strategies, Phase I

Ms. Stites reported on the District's progress for Phase I of the AQTF's 8-hour ozone strategies. Ms. Stites said that over the last seven months she has been researching the strategies, identifying possible projects, and cultivating potential partnerships to implement some of the recommendations. There are 11 emission reduction measures, approved by the Board, which include mobile source strategies, nonroad source strategies, area source strategies, and stationary source strategies. Ms. Stites explained that funding for the diesel retrofit project, which is a mobile source strategy, may be obtained from federal grant money or supplemental environmental project funds. Two area source strategies being undertaken by the Regional Airport Authority (RAA) are in the process of being implemented. The RAA has made good progress in installing ground support equipment for the switch to biodiesel fuel. Also, the airport has completed half of the gate electrification project. The District is working with the RAA to secure federal grant funding from the Federal Aviation Administration. The District has contacted railroad companies to seek information on their operations, and how the operation in Louisville has been affected by their partnership with the EPA Smartway Program.

Ms. Stites said that the next step in implementing the strategies is to continue discussions with partners and learn how the District can assist them with projects to improve air quality. In particular, securing funding for the projects, which is a challenge. The diesel retrofit project, for example, can be expensive. But, the programs are cost-effective because they greatly reduce harmful emissions. Also, Ms. Stites stated that she will contact Jefferson County Public Schools regarding the Clean School Bus application. Mr. Williams said that the District will provide the Board with a quarterly report regarding the implementation of these strategies.

Dr. Cassidy asked if the ozone strategies have a Phase 2. Mr. Williams responded that there are additional strategies but they have a lower magnitude of potential benefit. The current focus is the Phase 1 strategies which were top ranked. Also, Mr. Williams stated the Board identified the ozone strategies and established the STAR 5.30 stakeholder process. A final report will be presented in September 2007, and the Fine Particle Air Quality Task Force will provide a plan before early 2008. As the Climate Change Committee for the Partnership for Green Cities moves through its works, the District expects to see a convergence of strategies that make sense across all the pollutant categories. Also, the District will likely propose to the Board a comprehensive air quality management plan that identifies a range of strategies that will have multiple benefits for multiple pollutants. The plan will be a management matrix from which the District will work from rather than have four separate strategy management tools. The District believes that the trend nationwide is toward this kind of comprehensive air management plan where multiple pollutant strategies are addressed.

Committee Reports

A. Fine Particle Air Quality Task Force

Mr. Williams reported that the Fine Particle Air Quality Task Force (AQTF-PM) met May 24, 2007. The next Task Force meeting is scheduled for June 28, 2007. The AQTF-PM expects to establish committees at the next meeting that are similar to the STAR 5.30 Stakeholder Group and (ozone) Air Quality Task Force committees in which work was divided into key category sources - area sources, minor sources, mobile sources, and non-road sources. The focus of the May meeting was to build awareness and provide information to AQTF-PM members about fine particles, the federal regulatory framework for fine particles, the strategies that have been identified, health issues, and the need for concern related to fine particulate exposure. Mr. Williams stated the first 2-3 meetings will be informational sessions. Dr. Powell represents the Board on the AQTF-PM. A stakeholder member is expected to be identified as Chair or Co-Chair of the Task Force. Also, Mr. Williams stated that the District is obligated under federal law to submit a State Implementation Plan (SIP) which will identify how the District will achieve attainment of the fine particle standard. The SIP is due to the Environmental Protection Agency by April 2008. Therefore, the AQTF-PM has a short time frame to identify, evaluate, and recommend strategies that the community should pursue in order to achieve attainment of the fine particle standard and present to the Board for approval prior to the April 2008, deadline.

Mr. Williams said that the Louisville area is currently nonattainment for the federal fine particle annual average standard. In addition, the Louisville area is very close to the new federal final particle 24-hour standard, which the EPA lowered in 2006 from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$. Data from the last three years are currently being reviewed to determine whether this new standard is being met.

Mr. Williams said that Jon Trout is the primary District staff lead for the AQTF-PM. Mr. Trout is currently attending an EPA conference in Chicago to learn key issues about fine particles, as well as the rules and the federal framework. Mr. Williams said that Mr. Trout will present a report on information learned at the Chicago conference to the AQTF-PM. Also, the Board will receive a monthly report on relevant AQTF-PM discussions.

B. STAR 5.30 Stakeholder Group

Ms. Lee, Manager of Environmental Programs, reported that the STAR 5.30 Stakeholder Group met June 14, 2007. Ms. Lee stated that Erin Vachon, Environmental Coordinator, has kept everyone moving forward and involved in a lively and extremely dynamic stakeholder process. The four committees have been very active. The Area and Minor Source Committee met May 31, 2007. The Committee discussed proposed recommendations on perchloroethylene (perc) dry cleaners and recommendations for possible toxic reduction strategies for waste oil furnaces. Also, the Committee was asked to determine the next phase of recommendations for sources that District staff should model and review emissions inventory with more depth. The Committee finalized its recommendations, which were presented to the Stakeholder Group.

The Mobile and Non-Road Mobile Source Committee met June 5, 2007. The Committee discussed five reduction strategy categories, which included idling reduction, renewable and alternative fuels, technology options, long-range land use, and transportation planning solutions. Metro Government and District staff will also meet to review strategies to determine whether to add transportation planning to the Land Development Code for developers. Important components for all of the strategies are education, outreach, and grant opportunities. Also, the Committee will review future mobile and non-road mobile source assessment needs and determine how the Committee will proceed, especially with construction equipment. The Committee finalized its recommendations, which were presented to the Stakeholder Group at the June 14, 2007, meeting.

The Health Risk Committee met June 11, 2007. The Committee finalized several of the area source environmental acceptability goals, which were presented to the Stakeholder group. The Committee discussed the environmental acceptability goals and the risk level of cigarette smoke, grilling, house painting, and their cumulative effect on the community. The Committee also discussed the cumulative effect of a dry cleaner and gasoline station located together on a specific corner.

The Report and Plan of Action (RAPA) Committee met June 11, 2007. The Committee discussed the structure in Section 13 and how it would be assigned to the RAPA as a whole. The recommendations were presented to the Stakeholder Group. There were some additions and clarifications brought up by the Committee and Stakeholder Group members.

Ms. Smith and Karen Scott (Regional Airport Authority) are co-chairs of the STAR 5.30 Stakeholder Group. Ms. Smith stated she believes the RAPA Committee may be the most important committee since it will produce the final STAR 5.30 report. Ms. Smith stated that her primary goal of co-chairing the Stakeholder Group was to ensure that every member had an opportunity to share his or her opinion. The group's charge will end in September 2007, when the report is presented to the Board for approval. Ms. Smith thanked Cynthia Lee and Erin Vachon for their excellent work in providing information and support to all of the committees.

C. STAR Implementation Advisory Group

Mr. Williams reported that the STAR Implementation Advisory Group (IAG) met May 18, 2007, and June 8, 2007. The IAG is near completion of its review of the issues raised by its members, a process that has been ongoing for almost two years. Mr. Williams stated that an additional rulemaking package, to improve the STAR Program, will be presented to the Board for approval. The IAG members, consisting of stakeholders, citizens, businesses, and the District, will address the unintended consequences and provide more certainty, clarity, and flexibility on key issues of the STAR Program. Mr. Williams said that the IAG expects to meet on an as-needed basis in the future.

Staff Reports

A. Director

Mr. Williams said that the District has been pursuing redesignation to attainment of the 8-hour ozone standard. On April 27, 2007, the EPA proposed to redesignate the area to attainment. The EPA provided a 30-day public comment period that closed on May 29, 2007. One public comment was received and the EPA will respond to the comment and finalize the recommendation for attainment in the next few weeks.

Mr. Williams reported there were three 8-hour ozone exceedances in June 2007. On June 12, the Watson Lane monitor had a reading of 85 parts per billion (ppb); on June 17, the Bates monitor had a reading of 85 ppb; and on June 17, the Buckner monitor in Oldham County had a reading of 88 ppb. The current standard is 84 ppb, thus a reading of 85 ppb is the lowest level of an exceedance of the standard. The high reading at Buckner is very close to a violation, which is different than an exceedance. Mr. Williams explained that an exceedance is a monitor going over a standard for a particular day; a violation is when the statistical calculations are used looking at the three-year history of a monitor and places the design value above the standard. If a new violation of the standard occurs, the District must implement one or more of the contingency measures identified in the maintenance plan for the 8-hour ozone standard.

Mr. Williams stated that the District expects to learn at the end of June 2007 if the EPA will toughen the 8-hour ozone standard. The current standard is 84 ppb and may be lowered to 80 ppb or below.

Dr. Cassidy asked Mr. Williams to provide clarification on the geographic areas the District monitors for air quality. Mr. Williams stated the Clean Air Act empowers the EPA to designate areas as non-attainment areas. The Louisville 8-hour ozone nonattainment area includes Jefferson, Bullit, and Oldham Counties in Kentucky and Clark and Floyd Counties in Southern Indiana.

Mr. Williams reported that on June 2, 2007, the KAIRE program was a participant and sponsor in the Asthma Walk at the Louisville Zoo.

Mr. Williams said that the STAR Program required the Title V companies to submit an environmental acceptability demonstration by the end of 2006 for the Category I toxic air contaminants (TACs). There are 38 Title V companies that were obligated to submit an environmental acceptability demonstration; the District has, to date, determined that 20 of the submitted demonstrations are administratively complete. The rest are expected to be administratively complete by the end of June 2007. The next major task the STAR Program requires is that the Title V companies that modeled risks greater than the applicable goals submit a compliance plan, which is due June 30, 2007. The compliance plan must indicate how the company will achieve the goals of the STAR Program or request a modification to remain above the STAR Program goals.

Mr. Williams reported that the Board adopted a STAR rulemaking change which was

recommended by the Implementation Advisory Group (IAG) regarding public notices. As a result, the District is obligated to advise first- and second-tier property owners when an administratively complete environmental acceptability demonstration is received. The District is currently reviewing the steps to identify these property owners adjacent to the Title V companies. A report will be presented to the IAG about the public notice component of the STAR Program and the Board will be kept informed.

Mr. Williams mentioned that the Kentucky Division for Air Quality has been reviewing whether to provide a state air toxics program which was a similar process the Board conducted with the STAR Program. The state filed a package of regulations on May 15, 2007, on proposed air toxics regulations. There is a public hearing scheduled on June 29, 2007, that District staff plan to attend. Currently, the District does not plan to file any public comments but will watch the process very closely. Mr. Williams stated that the relevance of a state air toxics program is that a statutory provision in state law requires that any regulation that the District has must be at least as stringent as a comparable state regulation. Therefore, if any new elements of a state program emerge that might be more stringent than the STAR Program, it might require changes to the STAR Program regulations to meet state requirements.

Mr. Williams reported the District had its budget hearing recently before the Metro Council. The budget is a continuation budget that does not include any new positions or programs, and does not have any reductions in staff or funding. Mr. Williams stated that the entire budget hearing can be viewed on Cable Channel 25.

Mr. William addressed the issue the Board discussed at the May 2007 Board meeting regarding the permit backlog and improving the permit program. Mr. Williams stated a meeting was held in early May 2007 with GLI members Dennis Conniff, Tim Corrigan, Greg Brotzge, and Carl Horneman. The meeting involved a detailed review of the permit improvement plan for items in the 0-6 and 6-12 month categories. GLI has offered to provide survey work to streamline regulations as noted in item number 32 of the plan. Mr. Williams said that the District looks forward to GLI assisting with this project. Mr. Williams reported that Mr. Goldsmith and he meet regularly to review the status and make revisions as needed. Mr. Williams stated that he believes that good progress is being made with the permit improvement plan, based on the District resources.

Mr. Williams stated that the District was not able to process as many permit applications as were received in May 2007. He said the single largest variable in completing the permit backlog is engineer vacancies caused by the low starting salary. Mr. Williams stated that salary adjustments were made for the engineering department in 2006, but believes an additional increase is necessary in order to compete with the private sector. Mr. Williams has held meetings with Bruce Traugher and Human Resources and a salary increase is being reviewed for engineers and some other positions. Mr. Williams stated that he believes a higher starting salary will help attract and retain competent engineers. There are currently five engineer vacancies.

Ms. Smith asked Mr. Williams for clarification on the revenue source for the salary adjustments for engineers. Mr. Williams stated the revenue source has not been determined and

that funding for the increase will likely come from either increased fees, surplus funds, or the general fund. Ms. Smith asked if there were grant opportunities the District could pursue to fund engineer positions. Mr. Williams responded that the District currently receives EPA grant funding to support salaries. He is uncertain if additional EPA funding will be available in the future or if there are other grants that could pay the cost of salaries. Mr. Williams stated the District's approach will be to identify the revenue streams that are readily available in an equitable manner.

B. Air Quality Data

Mr. Williams reported that the PM_{2.5} reading for May 2007 was the highest level monitored for any May. During May 2007, the average PM_{2.5} reading was 19 µg/m³. The previous high May average was the 18.1 µg/m³ monitored in 1999. Mr. Williams said that he believes that the high reading may be a result of the unusually hot and dry weather during May.

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 6/14/07*, report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

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

E. STAR Program Projects

The *STAR Program Projects* report dated 6/13/07, was submitted for filing. A copy is attached to the original minutes.

F. Regulation 5.30 Program Status Report

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

G. Permit Application Log

Mr. Williams reported that during May 2007, the engineering department received 25 permit applications and issued 13 permits.

The *Permit Application Log* dated May 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, July 18, 2007, at 10:00 a.m.

Adjournment

The meeting adjourned at 11:16 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer