

**Louisville Metro Air Pollution Control District
Preliminary
Regulatory Impact Assessment**

**Regulation 1.02
Definitions
Version 12/External**

Purpose of the Draft Proposed Action:

The District proposes to amend Regulation 1.02, *Definitions*, to: 1) move the definitions of “cancer,” “carcinogen,” “chronic noncancer effect,” “toxic air pollutant” (TAP) and “toxic air contaminant” (TAC), which are terms used exclusively in the Strategic Toxic Air Reduction (STAR) regulatory program, to a new Regulation 5.00; 2) clarify that the term “stationary source” encompasses “process and process equipment”; 3) update the definition of “volatile organic compound” (VOC) to add three compounds determined by the U.S. Environmental Protection Agency (EPA) to have negligible photochemical reactivity; and 4) make minor “housekeeping” adjustments to references.

Estimated Costs and Savings:

There are no costs associated with the draft proposed action.

Feasibility of All Alternatives:

STAR regulations are found in Part 5 of the District's regulations. The District evaluated leaving the definitions of “cancer,” “carcinogen,” “chronic noncancer effect,” “TAP” and “TAC” in Regulation 1.02, but determined that moving the definitions unique to the STAR program into one regulation would be more useful and make the STAR regulations easier to read. The District proposes consolidated definitions from Regulations 1.02, 5.01 and 5.21 into one new regulation, 5.00.

The District is updating its definition of VOC to maintain consistency with the federal counterpart in 40 CFR 51.100. The District is not required to do this, but the change is in effect nationally and applicable to the District; thus, the District could not take credit for controlling these compounds as part of an ozone control strategy, since by federal definition they do not contribute to the formation of ozone. This change, which is unrelated to the STAR program, will prevent any confusion that might be caused by differing federal and District regulations.

Comparison with Any Minimum or Uniform Standards:

There are no applicable federal requirements related to the definitions of “cancer,” “carcinogen,” “chronic noncancer effect,” “TAP,” or “TAC.” The terms are used in the District’s STAR

regulations, which address the risks associated with emissions of toxic air contaminants. The STAR program is not federally mandated. However, the control of air toxics is consistent with the District's obligations under the Clean Air Act and its commitment to a multipollutant control strategy.

The chemical compound HFE 7300 (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane) was excluded from the definition of VOC by EPA on January 18, 2007. *Air Quality: Revision to Definition of Volatile Organic Compound – Exclusion of HFE-7300*, 72 Fed. Reg. 2193 (January 18, 2007) (Final rule); 40 CFR 51.100 (March 24, 2008). Dimethyl carbonate and propylene carbonate were similarly excluded from the definition of VOC by EPA on January 21, 2009. *Air Quality: Revision to Definition of Volatile Organic Compound – Exclusion of Propylene Carbonate and Dimethyl Carbonate*, 74 Fed. Reg. 3437 (January 21, 2009) (Final rule). The proposed amendment maintains consistency with the federal definition in 40 CFR 51.100.

Report on Public Outreach Efforts:

This draft proposal to amend Regulation 1.02 is part of a package of proposed amendments to the STAR regulations that was released for informal external review on March 17, 2010, and sent to: all members of the 2009 STAR Advisory Group; all persons who have requested to be informed of proposed changes to STAR regulations; all persons who have requested to be notified of proposed changes to any District regulations; EPA Region 4; and the Kentucky Division for Air Quality. The District received written informal comments on this draft proposal and is responding to those in a separate Comment/Response document. The public will have an opportunity to comment at a meeting of the appropriate committee of the Air Pollution Control Board, during the formal public comment period, and at a public hearing prior to consideration by the full Board.