

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
June 18, 2008**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on June 18, 2008, at 10:08 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, Ms. Barbara Sexton Smith, Dr. Nadir Al-Shami, Ms. Vanessa Ruffin, Mr. Ronald Thomas, and Dr. Robert Powell. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: C. Bruce Traughber, Jon Trout, Matt Stull, Cynthia Lee, Terri Phelps, Erin Vachon, Chris Bobay, Shane Corbin, Narathip Chitradon, Craig Butler, Shannon Clemons, T.J. Jessie, Dee Lynch, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze and County Attorney staff member Tammy Brown.

The following guests were present: Susan Clark, Lubrizol Advanced Materials; Brad Dillon, GD&M; Arnita Gadson, Kentucky Environmental Quality Commission; Bruce Gaylord, Republic Conduit; Sarah Scheetz, E.On U.S.; Kevin Spangler, OxyVinyls, LP; and Paige Mosser Theriac, TECI.

### **Approval of Minutes**

The minutes of the regular Board meeting of May 21, 2008, were approved as distributed.

### **Unfinished Business**

#### **A. Integrated Action Plan**

Mr. Trout, Assistant Director, explained that the Integrated Action Plan (IAP) includes, in one document, the recommendations from the ozone, fine particulate, and Regulation 5.30 air toxics stakeholder groups. The IAG includes fewer items because some of the strategies were included in two or three of the individual stakeholder group recommendations. Although each of the three sets of stakeholder group recommendations was approved by the Board for implementation, Mr. Trout requested that the Board approve implementation of the integrated plan. He said that some of the actions require partnerships with other organizations.

The Board discussions included timelines for the various projects, frequency of District updates for the Board, and the format of the report. The Board requested that the items for each calendar year quarter be grouped by implementation category and the “completed” column reflect the current status of the various items. The Board asked the District to provide a revised IAP for Board review at the July Board meeting.

Chair Cassidy, with the concurrence of the Board members, directed the District to proceed with implementation of the IAP.

## **New Business**

### **A. Agreed Board Order with Bulk Petroleum Corporation**

Ms. Phelps said that the District recommends that the Board adopt the Agreed Board Order with Bulk Petroleum Corporation, as proposed.

**Motion:** Mr. Thomas moved to adopt the Agreed Board Order with Bulk Petroleum Corporation, as recommended by the District.

The motion passed unanimously.

### **B. Air Quality Trust Fund**

Mr. Trout reported on the District's Air Quality Trust Fund, a separate account established pursuant to KRS 77.127 that authorizes the Board to accept and approve money for conducting air quality research and development projects, special nonrecurring air quality projects, or air quality education programs. He explained that Regulation 1.17 outlines the statutory requirements of KRS 77.127. He reported a balance in the fund of \$32,705.35 as of April 30, 2008, but indicated that this does not include a \$500 donation made recently. He said that a final report through the end of June 30, 2008, will be provided at a future Board meeting.

## **Staff Reports**

### **A. Director**

Mr. Traugher said that, with Art Williams' retirement, he, as the Director of the Economic Development Department, which includes the District, has become more involved with the District and is serving as the District's Acting Executive Director. He told the Board that he has found that District staff members are very capable and dedicated to their work. He explained that the search for a new Director is currently underway; the posting for the position closes on June 20, 2008. He indicated that a wide range of applicants have applied for the position and believes someone from the group possesses the right set of leadership skills for the Director's position.

Mr. Traugher reported that he met with many members of the U.S. Environmental Protection Agency's (EPA's) Region 4 management team in Atlanta on June 12, 2008, and discussed with them what they expect the District to accomplish. He said that the EPA supports and respects the work the District does to improve air quality. He indicated that the EPA is satisfied with progress the District has made, but there are some problems that EPA expects the District to correct.

Mr. Trout, Assistant Director, reported that the US Court of Appeals for the DC Circuit denied the EPA's and industry's request to rehear the vacatur ruling for the EPA's Clean Air Mercury Rule (CAMR). Thus, CAMR remains vacated. He indicated that recently the Kentucky Division for Air Quality (DAQ) proposed to repeal its state mercury budget trading

program.

Mr. Trout said that a federal judge dismissed complaints filed by the EPA against Duke Energy's Gallagher Plant for violations of federal new source review requirements.

Mr. Trout reported that last month the EPA proposed to lower the lead national ambient air quality standard (NAAQS) from the current  $1.5 \mu\text{g}/\text{m}^3$  to a level between  $0.10 \mu\text{g}/\text{m}^3$  and  $0.30 \mu\text{g}/\text{m}^3$ . Although this represents a significant reduction from the current lead NAAQS, the EPA's Science Advisory Board recommended that the standard be set at an even lower level. He said that the District discontinued official ambient monitoring for the lead NAAQS at the end of 1997. Other monitoring that identifies lead shows levels less than the  $0.1 \mu\text{g}/\text{m}^3$  level that is the lower end of the EPA's proposal.

Mr. Trout reminded the Board that the EPA revised the eight-hour ozone standard in March 2008, lowering the standard from 84 parts per billion (ppb) to 75 ppb. Since then, numerous lawsuits have been filed, alleging that the new standard is either too high or too low. To date, the courts have not stayed implementation of the new ozone standard as was done for the 1997 eight-hour ozone standard. Mr. Trout said that the District would keep the Board informed of the status of the new eight-hour ozone standard as the court process continues.

Mr. Trout reported that the EPA is continuing its review of the appropriate attainment status for the Louisville area for the revised 24-hour  $\text{PM}_{2.5}$  standard. The issue is whether the EPA will agree with the exceptional event days flagged by the District, the DAQ, and the Indiana Department of Environmental Management (IDEM) because of long-range transport from large forest fires. If the EPA were to agree that these days should be considered exceptional events, then the Louisville area would be designated as attainment for the 24-hour  $\text{PM}_{2.5}$  standard. After the EPA concludes its review, the District, DAQ, and IDEM will have an opportunity to provide additional information in support of the days being approved as exceptional events that should not affect the attainment/nonattainment designation.

Mr. Trout said that the an attainment demonstration for the annual  $\text{PM}_{2.5}$  standard was due in April 2008. He said that Indiana has completed the public review process and finished the attainment demonstration package and is currently undergoing final review. He said that IDEM expects the package to be submitted to the EPA by the end of June 2008. In Kentucky, the attainment demonstration package has been drafted and is undergoing mid-management review. Mr. Trout said the District expects to see a draft of the package in the next one to two weeks, and the District will have an opportunity to review and make suggested changes if needed. He said that after the document has been reviewed, Kentucky will start a public review process.

Dr. Cassidy informed the Board that she had asked Mr. Trout to provide the Board with an update on implementation of the Strategic Toxic Air Reduction (STAR) Program at the July Board meeting. Ms. Smith suggested the structure of the report be specific with three to five highlights of some positive responses from businesses, three to five highlights of their challenges, and possible recommendations to adapt or revise the regulations. Mr. Trout indicated that, as a result of discussions of STAR Program issues by the Implementation Advisory Group, the Board adopted two sets of changes to the regulations, with one more set of

changes to start the process in the near future.

Ms. Lee provided a report on the EPA monitoring plan and activities at the state level. She stated that states are required annually to provide their EPA network monitoring plan for the upcoming 18 months. Ms. Lee said that Kentucky's monitoring plan is currently under public review and is on the DAQ's website. She said the District will make comments because the District has proposed that an NCore monitoring station be placed at a new District monitoring site on Cannons Lane. NCore is a multi-pollutant network that integrates several advanced measurement systems for particles, pollutant gases, and meteorology. She said the District is moving forward with the new site. Ms. Lee stated the District is proposing to EPA to install a radiation network site. She said Kentucky only has one radiation site and the District is being highly encouraged to establish one in Louisville. Ms. Lee indicated that radiation sites are generally located at health departments but, because the District has monitoring capabilities and experience in transmitting data, the District will incorporate the radiation equipment at Cannons Lane.

## **B. Air Quality Data**

Mr. Trout reported that to date, there has been one exceedance of the new 75 ppb 8-hour ozone standard, which occurred on May 29, 2008, at the Watson Lane site.

Mr. Trout said that PM<sub>2.5</sub> readings for May 2008 were the second lowest May for the 10 years the District has been monitoring PM<sub>2.5</sub>. He said that for the first five months of 2008, the average PM<sub>2.5</sub> monitored levels have been under 11.9 µg/m<sup>3</sup>. If this trend were to continue for the next seven months, the Louisville area could attain compliance with the annual PM<sub>2.5</sub> standard.

The air quality monitoring reports were submitted for filing. A copy of each report is attached to the original minutes.

## **C. Enforcement Status**

The enforcement reports were submitted for filing. A copy is attached to the original minutes.

## **D. Excess Emission Reports**

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

## **E. STAR Program Projects**

The *STAR Program Projects* report dated 6/17/08 was submitted for filing. A copy is attached to the original minutes.

## **F. Permit Application Reports**

Mr. Trout reported that during May 2008, the Engineering Section received 29 permit applications and issued 15 permits, for a net backlog increase of 14.

The permit application reports were 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 scheduled for Wednesday, July 16, 2008, at 10:00 a.m.

**Adjournment**

The meeting adjourned at 10:35 a.m.

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Dr. Karen Cassidy  
Chair

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Jonathan L. Trout  
Secretary-Treasurer