

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

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on July 16, 2008, at 10:02 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by Ms. Barbara Sexton Smith. Other Board members present were Dr. Robert Powell, Dr. Nadir Al-Shami, Ms. Vanessa Ruffin, Mr. Ronald Thomas, and Ms. Bonnie Biemer. 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, Diane Hazellief, Eva Addison, Martha Gammons, Larry Garrison, Michelle Stites, Erin Vachon, Chris Bobay, Shane Corbin, Jenny Rhodes, Steve Taylor, Tua McDermott, Josh Tennen, Craig Butler, Shannon Clemons, 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: Dr. Karen Cassidy and Lee Howard, outgoing Board members; Jim Bruggers, Courier-Journal; Tim Corrigan, GLL; Mike DeBusschere, KEC; Brad Dillon, GD&M; John Gadd, Shorewood Packaging; and Winnie Hepler, JRC & REACT.

Election of Chair Pro Tem

Motion: Due to the terms of both the Chair and Vice-Chairman ending before today's meeting, Mr. Thomas moved to elect Ms. Smith as Chair pro tem.

The motion passed unanimously.

Introduction of New Board Members

Mr. Traughber, Acting Executive Director, announced the appointment of Ms. Bonnie Biemer and Mr. William Jacob to the Board, indicating that Metro Council approved these Board appointments at its July 10, 2008, meeting. He introduced Ms. Biemer, now retired, who was an Environmental Administrator with Louisville Metro. Mr. Jacob was unable to attend the meeting due to a work commitment. He is Vice-President of UPS air operations in Louisville.

Approval of Minutes

The minutes of the regular Board meeting on June 18, 2008, were approved as distributed.

Unfinished Business

A. Integrated Action Plan

Mr. Traugher reported that District staff revised the Integrated Action Plan (IAP) based on the Board's discussion at the June 2008 meeting. He explained that the IAP will continue to be revised as needed and the Board will receive a quarterly progress report on the action items. Mr. Traugher said that District staff will continue to work on integrating the permit and enforcement program improvement plan elements and rulemakings into the IAP.

New Business

A. STAR Program Implementation Update

Mr. Trout, Assistant Director, provided a progress report on the implementation of the STAR Program and reviewed the major milestones listed on the STAR Program Major Milestones handout. He indicated that a major milestone of the STAR Program was the completion of the Regulation 5.30 Report and Plan of Action, that assesses and addresses toxics from the smaller industrial sources, area sources, non-road mobile sources, and mobile sources. With respect to Category 1 toxic air contaminant (TAC) emissions from the Title V stationary sources, he said that ten were in full compliance with no action needed, five were in full compliance after undergoing computer dispersion modeling, fifteen would be in full compliance after permit conditions limiting potential emissions are developed, and only seven were required to submit a compliance plan. He said fewer non-compliance issues were identified by the Title V companies for the Category 2 TACs. As a result of review by the STAR Implementation Advisory Group, there were not any significant unexpected consequences identified, although two sets of STAR regulation changes have been made and a third one will be proposed in the near future. Mr. Trout explained that the changes made to the STAR Program regulations provided additional flexibility and clarity but did not affect the overall effectiveness of the STAR Program.

Mr. Traugher said that the STAR program developed by the District and adopted by the Board met the mark in advancing health and safety in the community. He said that much has been accomplished, but that there is still a great deal of work remaining before achieving full compliance with the STAR Program goals.

Dr. Al-Shami asked how many chemicals are on the Category 1 and 2 TAC lists. Mr. Trout responded that there are 18 Category 1 TACs and 19 Category 2 TACs.

Dr. Powell acknowledged the contribution of the late Rev. Louis Coleman on bringing air toxics issues to the attention of the Board and District.

Ms. Smith thanked Mr. Trout for the STAR Program report and for including input from various segments of the community when the STAR Program was developed.

B. Election of Board Officers

Ms. Smith announced that the Nominating Committee recommended Dr. Powell for Chairman and Dr. Al-Shami for Vice-Chairman for the 2008-09 Board term. There were no other nominations from the floor. Dr. Powell and Dr. Al-Shami were elected Chairman and Vice-Chairman, respectively, by unanimous consent. They will take

office at the end of today's Board meeting.

Committee Reports

A. Idling Reduction Working Group

Ms. Lee reported that the Idling Reduction Working Group (IRWG) met on June 20, 2008. A list of suggested exemptions by vehicle activity and environmental conditions were discussed. She indicated that the next meeting will be July 18, 2008, at 10:00 a.m., with the primary topic of enforcement issues. Immediately following this IRWG meeting, Greater Louisville, Inc., will host a presentation by representatives from Webasco, who will demonstrate idling reduction products they manufacture to encourage idling.

Ms. Lee reported that *Business First* published an article on idling reduction in its July 11, 2008, edition.

Staff Reports

A. Director

Mr. Traugher announced that Virginia "Jenny" Rhodes, a current District staff member, was recently promoted to Compliance Supervisor. Jenny graduated from the University of Kentucky with a degree in Chemical Engineering.

Mr. Traugher stated that the District budget for 2008-09 was approved by the Metro Council as recommended by the Mayor. He said that during the Metro Council's budget hearing on the District's budget, questions related mostly to the District's work.

Mr. Traugher reported that the U.S. Court of Appeals for the District of Columbia Circuit recently vacated the Clean Air Interstate Rule (CAIR), and the vacature will most likely have an impact on the Louisville area because reductions resulting from CAIR were identified in the fine particulate matter attainment demonstration that is currently undergoing a public comment period. He said the issue will be monitored very closely, and the District will provide updates as more information becomes available.

Mr. Traugher said that the EPA has released an Advanced Notice of Proposed Rulemaking (ANPR) inviting public comment on the benefits and ramifications of regulating greenhouse gases (GHGs) under the Clean Air Act (CAA). The ANPR was issued in response to the U.S. Supreme Court's decision in *Massachusetts v. EPA* that found that the CAA authorizes EPA to regulate tailpipe greenhouse gas emissions if EPA determines those emissions cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.

Mr. Traugher read an excerpt from a report from the Office of Management and Budget (OMB) in its 2007 report to Congress on the costs and benefits of federal

regulations and unfunded mandates. He said that OMB estimates that the total cost of implementing seven new federal regulations adopted in FY 2006 ranged from \$3.7 billion to \$4.3 billion while the benefit of these rules ranged from \$6.3 billion to \$44.8 billion. Also, according to OMB, CAIR accounted for 60 to 89% of the estimated benefit and 62 to 64% of the estimated cost in 2006.

Mr. Traughber reported that on the local level, the State of Kentucky is moving forward on its PM_{2.5} attainment demonstration. He said this demonstration includes a long list of emission control measures in addition to the CAIR requirements to support the demonstration of attainment.

B. Air Quality Data

Mr. Traughber reported that PM_{2.5} readings for June 2008 continued the low trend for the first five months. The June readings were 11.8 µg/m³ which is the lowest June average during the ten years that the District has been monitoring PM_{2.5}. He said it was the first time that a June monthly average was lower than the annual standard of 15 µg/m³. Also, he said the design value for 2006, 2007, and the first half of 2008 for each of the four Jefferson County monitoring stations is well below the 15 µg/m³ standard.

Mr. Traughber said that there was not an exceedance of the new ozone standard since the last Board meeting.

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 June 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 7/10/08 was submitted for filing. A copy is attached to the original minutes.

F. Permit Application Reports

Mr. Traughber reported that during June 2008, there was a decrease in issuing permits due to normal staff summer vacations. There were 37 permit applications received and 27 permits issued, for a net backlog increase of 10.

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, August 20, 2008, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:45 a.m.

Immediately following the Board meeting, a reception was held in recognition of outgoing Board members Dr. Karen Cassidy and Mike Howard.

Barbara Sexton Smith
Chair pro tem

Jonathan L. Trout
Secretary-Treasurer