

February 14, 2005

Mr. Arthur L. Williams, Director
Louisville Metro Air Pollution Control District (APCD)
850 Barrett Avenue, Suite 205
Louisville, Kentucky 40204-1745

Re: Formal Comments Regarding Proposed STAR Program

Dear Mr. Williams:

I am writing to submit the University of Louisville's formal comments regarding the Air Pollution Control District's proposed Strategic Toxic Air Reduction (STAR) Program and the accompanying regulatory proposal. Before doing so, however, I am pleased to acknowledge that the January 10, 2005 version of the proposed regulations contained new sections that addressed exclusions for Title V "Insignificant Activities" and other *de minimis* emissions. We appreciate the APCD's recognition of the unintended impact of the earlier version on our research program and laboratories.

Our formal comments on the current proposal follow below. We are primarily seeking clarification and/or confirmation on a few specific points. On the broader issue of the overall STAR Program, let me restate the University of Louisville's support for APCD's efforts to address the air toxin problem in our community. We appreciate the opportunity to provide the following comments, which we think would enhance the final regulations:

1. Exclusion from All Enhanced Emission Inventory Reporting Requirements for *De Minimis* Emissions

The reporting of the related stack and fugitive release parameter information as detailed in Section 5.3 of proposed APCD Regulation 1.06 is only appropriate for the non-*de minimis* TAC emissions that require TAC compliance demonstration. Section 3.6 of proposed Regulation 1.06 states: "*For the purpose of reporting emissions pursuant to Section 5, the owner or operator may exclude emissions that are defined in Regulation 5.01 Section 1.06 as de minimis.*" Since Section 3.6 does not state specifically that the reporting of related stack and fugitive release parameter information is also excluded, UofL would like clarification that *de minimis* emissions are exempt from all of these reporting requirements.

We request the following underlined text changes be made to Section 3.6 of proposed Regulation 1.06 for clarification purposes:

3.6 *For the purposes of the Enhanced TAC Emissions Data reporting pursuant to Section 5 of this regulation, the owner or operator may exclude from all facets of*

this reporting TAC emissions that are defined in Regulation 5.01 section 1.6 as "de minimis."

2. Recognition of All Belknap Campus Research and Development (R&D) Laboratories and Academic (Teaching) Laboratories as Title V Insignificant Activities and thus "De Minimis"

When the university's current Title V Operating Permit No. 329-03-TV (R1) for the Belknap Campus was issued in November 2004, it did not specifically cite each of our individual campus R&D laboratories, or each of our academic teaching laboratories, as Title V insignificant activities. Instead, the permit's insignificant activities table did generically cite "Lab ventilating and exhausting systems for nonradioactive materials." The fact that these R&D and academic teaching laboratories are not otherwise cited in our Title V Operating Permit (*i.e.*, they are not Title V emission points) leads us to conclude all of our laboratories are considered by APCD to be Title V insignificant activities.

We request confirmation that our above understanding of the insignificant activities table listing is correct. It would then follow that all of the Belknap Campus R&D laboratories and academic teaching laboratories are Title V insignificant activities, and they will therefore meet the STAR Program definition of *de minimis*. If our understanding of the proposed regulation is not correct, we request that a specific exemption to cover all of our academic teaching and R&D laboratories as insignificant activities be included in the final STAR regulation.

3. Incorporation of APCD's Trivial Activity and Insignificant Activity Lists in Proposed Regulation 5.01

We have concerns regarding the reference to APCD's trivial activity and insignificant activity lists in the definition of *de minimis* emissions found in Regulation 5.01, Sections 1.6.2 and 1.6.3. We recognize that inclusion of such a reference will allow additions to be easily made to either of these lists. However, we also recognize that merely including this reference could just as easily allow activities already identified in our Title V Operating Permit as insignificant activities to be removed from APCD's insignificant activity list without public participation. We therefore request that these lists be incorporated into Regulation 5.01 in their entirety. This will provide public reassurance that recognized trivial and insignificant activities cited on these lists will not be removed or added to or otherwise changed without public participation.

We would also like to request that APCD review the trivial activity and insignificant activity lists to ensure they are complete and up-to-date prior to incorporating them into Regulation 5.01. In addition, APCD should review referencing citations as the following errors were identified in the Title V listing of "Insignificant Activities" located at <http://www.apcd.org/permit/t5/insignificant.pdf> :

- “Insignificant activity” is defined in Regulation 2.16 Section 1.23. The correct citation is believed to be Regulation 2.16 Section 1.22.
- Item 27 in the list cites the definition of “Insignificant Activities” in Regulation 2.16 Section 2.23. The correct citation is believed to be Regulation 2.16 Section 1.22.

4. Use of Controlled Potential-to-Emit (PTE) Emissions for Determining *De Minimis* Emissions, Maximum Ambient TAC Concentration and Environmental Acceptability

The APCD insignificant activities list referenced in proposed Regulation 5.01, Section 1.6.3, defines “Insignificant Activity” in APCD Regulation 2.16. Section 1.22.2 as: “*For the purpose of this definition, potential emissions mean the emissions before air pollution control devices.*” Consequently, the uncontrolled TAC PTE is proposed to be used in determining whether individual TAC emissions are *de minimis* emissions with respect to the STAR Program. In our opinion, it is not appropriate to require uncontrolled PTE to be used in determining whether TAC emissions are *de minimis* when these emissions are in fact from permitted emission points having required control devices with federally enforceable monitoring, recordkeeping and reporting requirements.

As an example, the university’s two coal-fired boilers are equipped with a multicyclone for particulate matter (PM) emissions control. Each boiler is a Title V emission point, and our Title V permit contains terms that address monitoring, recordkeeping and reporting requirements to provide compliance assurance for PM emissions. Therefore, the individual particulate TAC PTEs from each boiler should be allowed to be calculated with consideration of the PM control device in determining if the individual TAC emissions meet the STAR Program definition of *de minimis*.

We believe this specified use of uncontrolled emissions for individual TAC *de minimis* determinations is an unintended consequence of the District trying to adapt the Title V Permit Program definition of Insignificant Activities to the STAR Program which may not always be appropriate as described above.

In addition, throughout the proposed STAR Program regulations, the phrase “*potential emissions of TACs*” is used. However, the regulations do not specifically cite if these potential emissions are based on controlled or uncontrolled TAC emissions. As examples of this, see proposed Regulation 5.21, sections 1.5.1 and 1.5.2, and proposed Regulation 5.22, Section 1.4. While the definition of “Potential to emit” in Section 1.5 of proposed Regulation 1.02 appears to agree with our position, we request the necessary clarification and confirmation regarding the calculation basis for STAR Program potential TAC emissions.

5. Modeling to the Property Fenceline Versus to the Nearest Residence

The university has an atypical situation with respect to the air dispersion modeling that may be required to be performed by us to demonstrate compliance under the STAR Program. Because we are a public institution, the general public has access to our campuses in their entirety. Consequently, we have no fence line, per se, which complicates our modeling. We would like clarification on this issue as it pertains to our site. We also are requesting clarification as to how the definition of “*Ambient Air*” in proposed Regulation 1.02 is to be applied to us during required air dispersion modeling as it appears that all of the Belknap Campus is ambient air.

In closing, thanks again for the opportunity to comment formally on the proposed STAR Program regulations. We hope we have articulated our issues clearly and succinctly, but if you have questions, we look forward to working with you and your staff to address them. My direct line is 852-5114.

Sincerely,



Larry L. Owsley
Vice President for Business Affairs

cc: President Ramsey
Provost Willihnganz