

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
January 16, 2008**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on January 16, 2008, 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.

General Statement, Rules, and Purpose

The Chair read the opening announcement, rules, and purpose of the Public Hearing, which was to review four proposed amended regulations.

1. Amendment to Regulation 1.03 *Abbreviations and Acronyms*, Version #6, Draft #1 - Proposed, October 1, 2007

Mr. Trout, Assistant Director, explained the proposed amendments to Regulation 1.03. The regulation is being updated to include acronyms that have been added to the District's regulations since the adoption of the current version of Regulation 1.03.

Mr. Trout said that the District received no comment during the written comment period and that the District intends to recommend at today's Board meeting that the Board adopt amended Regulation 1.03, as proposed, subject to consideration of any comment made during today's Public Hearing.

No statement was made.

2. Amendment to Regulation 1.08 *Administrative Procedures*, Version #12, Draft #3 - Proposed, September 26, 2007

Mr. Trout explained the proposed amendments to Regulation 1.08. The regulation is being updated to replace most of the District's provisions for open records in Section 6 with a statement that inspection of public records is governed by the Kentucky Open Records Act, KRS 61.870 to 61.884. Additionally, the District is replacing the definition of "emission data" with the U.S. Environmental Protection Agency's definition, found at 40 CFR 2.301 (a)(2)(i). Other changes to Regulation 1.08 include updating the list of opportunities for public hearings in Section 1 and updating public hearing procedures in Section 3 to reflect the procedures that have been in place for many years.

Mr. Trout said that the District received no comment during the written comment period and that the District intends to recommend at today's Board meeting that the Board adopt amended Regulation 1.08, as proposed, subject to consideration of any comment made during today's Public Hearing.

No statement was made.

3. Amendment to Regulation 1.11 *Control of Open Burning*, Version #10, Draft #5 -

Proposed, November 28, 2007

Mr. Trout explained the proposed amendments to Regulation 1.11. The regulation has been revised to specifically recognize fire pits and not require District approval for a fire in a fire pit, although there would be a size restriction for fire pits of 3 feet by 3 feet by 3 feet. A size restriction for ceremonial and recreational fires of 5 feet by 5 feet by 5 feet is being added; ceremonial and recreational fires would continue to require District approval. Other changes include a maximum wind speed of 15 miles per hour for agricultural fires, removing the reference to flare stacks as open burning, including a provision for special-case fires which may be approved by the District on a case-by-case basis, including additional accelerants that may not be used, and prohibiting the use of burn barrels.

Mr. Trout said that one correction to the proposed rule is needed, changing the reference to section 2.1.2 in line 22 to read section 2.1.3. He said that the District received no comment during the written comment period and that the District intends to recommend at today's Board meeting that the Board adopt amended Regulation 1.11, as proposed except for the noted correction, subject to consideration of any comment made during today's Public Hearing.

No statement was made.

4. Amendment to Regulation 1.19 *Administrative Hearings*, Version #2, Draft #1 - Proposed, September 26, 2007

Mr. Trout explained the proposed amendments to Regulation 1.19. The regulation has been revised to better reflect the language in KRS 77.310 regarding the opportunities to file a petition for an administrative hearing. Also, a provision was included in the regulation prohibit ex parte communication with Board members regarding a pending adjudication.

Mr. Trout said that the District received no comment during the written comment period and that the District intends to recommend at today's Board meeting that the Board adopt amended Regulation 1.19, as proposed, subject to consideration of any comment made during today's Public Hearing.

No statement was made.

Adjournment

The public hearing was adjourned at 10:15 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer