

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
September 20, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on September 20, 2006, at 10:06 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by Board Member Barbara Sexton Smith. Board member Ronald Thomas was also present. A quorum was not present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Jesse Goldsmith, Matt Stull, Terri Phelps, Eva Addison, Art Chang, Erin Simpson, Phyllis Fitzgerald, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze, and Paralegal Tammy Brown.

The following guests were present: Dennis Conniff, Frost Brown Todd and GLI; Brad Dillon, GD&M; Regina Henry, CEMEX; Paul Howard, TTEMI; Marshal Jenkins; James McDonald, URS Corporation; Jonathan Miller, DuPont Performance Elastomers; Carolyn Rodenas, *Lawn Care for Cleaner Air* award recipient; Paige Mosser Theriac, TECI; Rich Robinson, American Synthetic Rubber Company; and Sarah Scheetz, E.ON U.S.

Motion: Due to the absence of the Chair and the Vice-Chairman, Mr. Thomas moved to elect Ms. Smith as Chair pro tem for the meeting.

The motion passed unanimously.

Ms. Smith, Chair pro tem, announced that because a quorum was not present, the Board would not take any action on the Agreed Board Order or approve the minutes, but District staff would provide informational updates as listed on the agenda.

Public Recognitions

Ms. Fitzgerald presented a *Lawn Care for Cleaner Air* certificate to Carolyn Rodenas for landscaping her backyard as a habitat for wildlife and reducing air pollution.

Committee Reports

A. Air Quality Task Force Report Committee

Mr. Trout reported that the Air Quality Task Force met September 18, 2006. The meeting was chaired on a pro tem basis by Dr. Robert Powell. Because a quorum was not present, no action could be taken by the committee. The committee reviewed background information on the report prepared by the Air Quality Task Force and its recommendations. The District has reviewed these recommendations and developed a draft Phase I plan for implementation. This plan includes nine measures that could be implemented over the next two years. Mr. Trout said that the District will present a final recommendation to the committee at the next committee

meeting, requesting that the committee develop a recommendation for consideration by the full Board.

B. STAR Stakeholder Group

Mr. Williams reported that the STAR 5.30 Stakeholder Group held its third meeting on September 14, 2006. Presentations to the group are focusing on risk issues for both federal and local air toxics programs. Discussions have centered on source categories and short-term monitoring plans. At the next meeting, the group will review the full schedule and month-to-month timetable to ensure completion of the report by the June 1, 2007, due date.

C. STAR Implementation Advisory Group

Mr. Williams reported that the STAR Implementation Advisory Group (IAG) continues to meet frequently. The most recent IAG meeting was held September 15, 2006. The District has developed a package of draft regulations addressing five of the key issues that have been studied by the group. After further review by the STAR IAG, the District will schedule a meeting of the Strategy Committee to review the draft regulations and request that the committee approve the regulations to begin the formal rulemaking process.

Staff Reports

A. Director

Mr. Williams said that in October 2006, a regulation goes into effect that requires the use of ultra low sulfur diesel (ULSD) fuel nationwide for on-road diesel vehicles. ULSD is a cleaner diesel fuel and is expected to significantly reduce diesel engine emissions. ULSD fuel is expected to be available for use in October or November.

Ms. Smith asked if there was research on the projected benefits of using ULSD. Mr. Williams responded that he has not seen any specific data regarding emission reductions. Mr. Trout stated that modeling in the Southeast has shown improvements from the use of low sulfur fuel and other federal control measures, sufficient to demonstrate attainment of the 8-hour ozone standard but not the annual PM_{2.5} standard. Mr. Williams stated there is also a comparable initiative to remove sulfur from gasoline for on-road vehicles which, in terms of ozone benefits, will be the equivalent of removing 54 million vehicles from the highways in the United States. He explained that sulfur is a substantial contaminant in both gasoline and diesel fuels, inhibiting the functioning of catalytic converters.

Mr. Williams reported that the STAR Phase II Risk Assessment report is expected to be completed by Sciences International in the next one to two months. The report will evaluate monitoring data from 2001 to 2005.

Mr. Williams said that the District received the document *Health Consultation, Rubbertown Industrial Area, Jefferson County, Kentucky*, dated August 3, 2006, developed by the Agency for

Toxic Substances and Disease Registry (ATSDR). The ATSDR did not conduct any additional monitoring, but based its review on the data from the 2000-2001 West Louisville Air Toxics Study. The ATSDR concluded that the chemical 1,3-butadiene is the primary concern. Also, the report generally endorses the STAR Program's goals of eliminating toxic chemicals from the air and the U.S. Environmental Protection Agency's (EPA's) goal to reduce toxics. Mr. Williams explained that the ATSDR has historically been involved in Superfund cleanups, deciding whether immediate action, such as relocating residents or supplying bottled drinking water, was warranted. This differs from the EPA's air toxics programs, which focus on long-term protection of public health and welfare.

Mr. Williams provided information on a leaflet originally developed by the Santa Barbara Air Pollution Control District to promote September 22, 2006, as *World Car Free Day*. The leaflet lists 50 ways to leave your car at home to reduce air pollution.

B. Air Quality Data

Mr. Williams said that the ozone report dated September 11, 2006, is expected to be the last report for the season in terms of capturing exceedances. In general, it was a relatively mild ozone season in which there were eight exceedances, compared to 14 in 2005. There has been significant improvement since 2003 compared to the 1998-2002 ozone exceedances. In general, the lower number of ozone peaks during the past few years reflects progress. The 2006 ozone peaks occurred within a five-week period from July 17 to August 25, and there was no exceedance in September. The District is required by the EPA to operate the ozone monitors continuously during ozone season, which for Kentucky is from March 1 to October 31.

At the October Board meeting, District staff will present a histogram to the Board that graphically shows how the timeframe during which ozone exceedances have occurred has narrowed over time. A second histogram will indicate how ozone exceedance levels have lowered recently. The design value, which is the three-year statistical value that the EPA uses to determine compliance with the ozone standard, will remain the same as last year's. This year, the Louisville area's design value is 0.082 parts per million, and the determining monitor is Buckner in Oldham County, because it has the highest design value. For the Louisville area to stay in attainment next year, the fourth highest daily maximum value at the Buckner monitor will need to be at 0.082 parts per million or below. District staff will keep the Board informed month-by-month next summer of the monitored ozone values.

Mr. Williams said that the 8-hour ozone redesignation request is currently being reviewed by EPA Region 4 staff. The request will then undergo review by the Regional Administrator and Headquarters staff. Following that, proposed approval is expected to be published in the *Federal Register*, providing a 30-day comment period. The entire redesignation process is expected to be completed in 2-4 months.

Mr. Williams reviewed the PM_{2.5} report and stated Louisville had the highest August readings in four years. He said that it is very unlikely that the monitored readings for the remainder of the year would be low enough to achieve attainment of the annual PM_{2.5} standard of 15.0 µg/m³.

C. Enforcement Status

The *APCD Enforcement Status 9/6/06* report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

The *Excess Emissions Report August 2006* was submitted for filing. A copy is attached to the original minutes.

E. STAR Program Tracking Report

The STAR Program Tracking report was submitted for filing. A copy is attached to the original minutes.

F. Permit Program Report

Mr. Williams reported that the District issued 51 permits during August and received approximately 40 permit applications. The increased issuance of permits is the result of the additional staff hired in the Engineering department. The goal is to continue being productive in issuing permits and reducing the backlog.

The Permit Program Report was 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 Wednesday, October, 18, 2006, at 10:00 a.m.

Adjournment

The meeting adjourned at 10:37 a.m.

Barbara Sexton Smith
Chair pro tem

Jonathan L. Trout
Secretary-Treasurer