

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
March 15, 2006**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on March 15, 2006, at 10:14 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Lee Howard. Other Board members present were Carolyn Embry, Dr. Nadir Al-Shami, Barbara Sexton Smith, and Vanessa Ruffin. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Jesse Goldsmith, Cynthia Lee, Matt Stull, Eva Addison, Art Chang, Marty Layman, Dee Lynch, Steve Taylor, Erin Simpson, Michelle Stites, Phyllis Fitzgerald, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze.

The following guests were present: Dennis Conniff, GLI Environmental Affairs Committee; Corinne Greenberg, ADS; Brad Dillon, GD&M; Shannon Graves, SMG; Barbara Hall, Ford Kentucky Truck Plant; Regina Henry, CEMEX-Kosmos Cement; Winnie Hepler, REACT and Justice Resource Center; Tim Hooker and Rebecca Cash; Linebach-Funkhouser; Frank Kennedy, KEC; Jim McDonald, URS Corporation; Jonathan Miller, DuPont Performance Elastomers; Paige Mosser Theriac, TECI; Rich Robinson, American Synthetic Rubber Company; Sarah Scheetz, E.ON U.S.; Jim Segrest and Catherine Willett, Butchertown residents; John Cliff, Keith Strunk, and Kristy Weber, Swift & Co.; Bob Blair, Judy Brown, Irv Conely, Jesse Harris, Alexander S. Hernandez, Rick Kaiser, Chris Sanders, Vivian Villarreal, Benjamin McMillan, and K. Vaich, UFCW Local 227; and John Tackett, Little Foot Convenience Store.

**New Staff Member**

Mr. Williams introduced new District staff member Erin Simpson, Environmental Coordinator for the STAR Regulation 5.30 Program.

**Approval of Minutes**

The minutes of the February 15, 2006, regular meeting were approved as distributed.

**Public Comment**

Winnie Hepler commented on an article in *The Courier-Journal* regarding the STAR program, noting the Ford Motor Company's support of Senator Seum's bill and Kentucky Department for Environmental Protection Commissioner Lloyd Cress' previous association with Kentucky industry.

Dennis Conniff expressed appreciation for the District's efforts to decrease the permit backlog and resolve salary issues. He said that Greater Louisville, Inc. has formed a subcommittee to develop recommendations on ways to improve permit processing.

John Tackett said he didn't feel that it was appropriate that he was required to pay for a five-year operating permit when his lease for the facility, a service station, runs out in 2008.

Catherine Willett expressed concern regarding the noxious fumes and odors from Swift & Company. She asked whether all the odors could be eliminated.

John Cliff presented information on Swift & Company's efforts to decrease odors in the Butchertown community, costing millions of dollars.

## **New Business**

### **A. Amendment to Regulation 1.15, *Version of Federal Regulations Incorporated by Reference, Version #13, Draft #1 - Proposed, January 5, 2006***

Mr. Trout said that the District recommends that the Board adopt Regulation 1.15, Version #13, Draft #1-Proposed, dated January 5, 2006, as proposed.

**Motion:** Ms. Embry moved to adopt amended Regulation 1.15 as recommended by the District.

The motion passed unanimously.

### **B. Amendment to Regulation 5.02 *Adoption of National Emission Standards for Hazardous Air Pollutants, Version #16, Draft #1 - Proposed, January 6, 2006***

Mr. Trout said that the District recommends that the Board adopt proposed Regulation 5.02 with the changes identified in Version #16, Draft #2 - Proposed - Revision 1, dated February 16, 2006, which includes additions to 40 CFR Part 63 Subparts A, DDDD, and SSSSS.

**Motion:** Ms. Smith move to adopt the Draft #2 - Proposed - Revision 1 version of Regulation 5.02 as recommended by the District, including the three additional *Federal Register* notice citations.

The motion passed unanimously.

### **C. Amendment to Regulation 7.02 *Adoption of Federal New Source Performance Standards, Version #13, Draft #1 - Proposed, January 5, 2006***

Mr. Trout said that the District recommends that the Board adopt proposed Regulation 7.02 with the change identified in Version #13, Draft #2 - Proposed - Revision 1, dated February 27, 2006, which includes additions to 40 CFR Part 60 Subparts Da, Db, Dc, and GG.

**Motion:** Ms. Ruffin move to adopt the Draft #2 - Proposed - Revision 1 version of Regulation 7.02 as recommended by the District, including the four additional *Federal Register* notice citations.

The motion passed unanimously.

#### **D. Agreed Board Order with Marathon Petroleum Company, LLC**

Mr. Goldsmith said that the District recommends that the Board adopt the proposed Agreed Board Order with Marathon Petroleum Company as recommended by the District.

**Motion:** Ms. Embry moved to adopt the Agreed Board Order with Marathon Petroleum Company as recommended by the District.

The motion passed unanimously.

### **Committee Reports**

#### **A. STAR Implementation Advisory Group**

Mr. Trout said that the STAR Implementation Advisory Group met on February 24, 2006. The main topic discussed at this meeting was the agenda for the March 16, 2006, STAR Program Workshop.

### **Staff Reports**

#### **A. Director**

Mr. Williams said that a draft fee regulation to fund the increased engineer salaries will be discussed with the appropriate Board committee in the near future. He said that the District is working with the U.S. Environmental Protection Agency (EPA) on implementing the District's plan to increase the effectiveness of the District's permit programs.

Mr. Williams said that the District will schedule a meeting of the ad hoc AQTF Report Review Committee to begin review of the Air Quality Task Force's report and recommendations to the Board.

Mr. Williams said that the District will provide an evaluation form to the participants in tomorrow's STAR Program workshop. He announced that the workshop will be videotaped by the city's production team and may be aired on Channel 25. In addition, a tape of the workshop will be available for viewing.

Mr. Williams announced that a new salary and classification structure was approved for the engineering department in conjunction with the Louisville Metro Human Resources and Finance Departments. Mr. Williams also suggested that the District will provide a more detailed presentation to the appropriate Board committee on plans for permitting program improvements, salary increases, and measures to increase staff retention. Mr. Williams said that he expects the proposed changes to take place over a two-year period. There are currently 14 engineering position vacancies. Job offers are expected to be extended in the next few weeks for 11 of these positions. Of the 14 positions, seven are core engineering program positions and seven are

STAR Program positions.

Mr. Williams said that he expects the District to make a presentation at the April Board meeting regarding the development, design, and implementation of a program to assess and address the risks from the minor, area, non-road mobile, and mobile source categories pursuant to STAR Program Regulation 5.30. This includes the development of a stakeholder group.

Mr. Williams explained that the Kentucky House passed a substitute for Senate Bill 39, which could affect the STAR Program. He said that Louisville Metro has been involved in the legislative process regarding these bills to ensure that the District and the Board retain the authority to address air pollution issues in Jefferson County. Ms. Embry distributed a list of companies and organizations that have expressed support for the STAR Program and opposition to legislative attempts to weaken the program or limit the District's authority to control airborne pollutants.

Ms. Smith asked for clarification on the issue raised earlier in the meeting by Mr. Tackett, owner of Little Foot Convenience Store. Mr. Goldsmith responded that permits are issued for five years and the fee is based on a once-every-five-years payment. Mr. Tackett is asking for special consideration because his lease expires several years before the permit expires.

Ms. Smith asked how many of the current engineers have more than five years experience with the District. Mr. Goldsmith responded that five of the engineers have more than five years of experience, four have four to five years of experience, and the remaining engineers are fairly recent hires.

## **B. Air Quality Data**

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

## **C. Enforcement Status**

The *APCD Enforcement Status 3/3/06* report was submitted for filing. A copy is attached to the original minutes.

## **D. Excess Emission Reports**

The *Excess Emissions Report, 2/8/06 through 3/5/06*, 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**

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, March 19, 2006, at 10:00 a.m.

**Adjournment**

The meeting adjourned at 10:42 a.m.

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Lee Howard  
Vice-Chairman

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Jonathan L. Trout  
Secretary-Treasurer