

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
September 19, 2007**

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on September 19, 2007, at 10:08 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. Other Board members present were Mr. Lee Howard, Dr. Nadir Al-Shami, Ms. Barbara Sexton Smith, Ms. Vanessa Ruffin, and Mr. Ronald Thomas. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Jon Trout, Matt Stull, Cynthia Lee, Terri Phelps, Larry Garrison, Eva Addison, Erin Vachon, Chris Bobay, Tua McDermott, Corey Ryan, Lilibeth Lanceta, Mike Brown, Tom Pinto, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Kathryn Hargraves and County Attorney staff member Tammy Brown.

The following guests were present: Ben Basil, Rep. John Yarmuth's staff; Dennis Conniff, GLI/Air Toxics Task Force; Tim Corrigan, GLI; Brad Dillon, GD&M; Carolyn Embry, American Lung Association; Chuck Fleischer, JCPS; Julie Goodwin, WFPL; Tim Hooker, Linebach Funkhouser; Paul Howard, MACTEC; Jonathan Miller, DuPont Performance Elastomers; Kevin Spangler, OxyVinyls; Paige Mosser Theriac, TECI; Mary Rose Evans, Louisville Neighborhoods; Susan Hamilton, Metro Development Authority; Karen Scott, Regional Airport Authority; Greg Brotzge, Kentucky Paint Council; and Dr. David Tollerud, University of Louisville.

Introduction of New Staff

Mr. Williams, Director, introduced new District staff member Chris Bobay, who joined the staff in August as an Environmental Coordinator in the Environmental Programs Unit. He has a BS in Biology from IU Bloomington, a Masters in Public Affairs from IU with a concentration in Information Systems, and a Masters of Science in Environmental Science from IU with a concentration in Applied Ecology and Water Resources. He is coordinating the Air Quality Task Force for Fine Particles.

Approval of Minutes

The minutes of the public hearings on August 10, 2007, and August 15, 2007, and the minutes of the regular Board meeting on August 15, 2007, were approved as distributed.

Public Comment

Ms. Carolyn Embry, American Lung Association and Chair of the STAR 5.30 Stakeholder Group's Report and Plan of Action Committee, commented on the final 5.30 Stakeholder report. She commended the Stakeholder Group's Co-Chairs, Barbara Sexton Smith and Karen Scott, for doing an excellent job and leading the group to a consensus on the report and recommendations.

Ms. Embry said she hopes the information is useful to the Board because the Stakeholder Group spent many hours, weeks, and months compiling the report to address toxic emissions from non-industrial sources. She encouraged the Board to read the report, begin the process of considering the recommendations, and move expeditiously to implement the specific recommendations. She explained, however, that the Stakeholder Group did not have time to evaluate and recommend specific measures for all sources and encouraged the Board and the District to continue the evaluation process that the Stakeholder Group began. Additionally, the report represents only the recommendations for which a consensus was reached by the Stakeholder Group and thus does not contain all of the control strategies that were discussed. She concluded that, because of these limitations, the report should be viewed as a starting point and more work needs to be done to achieve the necessary emission reductions to meet the requirements of Regulation 5.30.

New Business

A. Agreed Board Order with Louisville Medical Center, Inc.

Mrs. Phelps said that the District recommends the adoption of the Agreed Board Order with the Louisville Medical Center, Inc., as proposed.

Motion: Dr. Al-Shami moved to adopt the Agreed Board Order with Louisville Medical Center, Inc., as recommended by the District.

The motion passed unanimously.

B. STAR 5.30 Proposed Report and Plan of Action

Mr. Williams, in presenting the Stakeholder Group's Report and Plan of Action, said that Ms. Smith and Ms. Scott did an excellent job in leading the Stakeholder Group and thanked the District staff members for their support.

Ms. Smith recognized and thanked committee chairs, Carolyn Embry, Susan Hamilton, Leslie Barras, and Dr. David Tollerud, who did an excellent job in leading their committees. Ms. Smith said that over the last year, there were more than 60 meetings and opportunities for individuals to provide input on the final report.

Ms. Smith provided a brief review of how STAR 5.30 was developed and adopted. Ms. Scott explained that the Stakeholder Group process began with the District inviting people representing a diverse cross-section of the community to be members of the Stakeholder Group. She said that Mr. Trout, Assistant Director, spent many hours educating the Stakeholder Group about toxics and the STAR Program. In November 2006, after the Stakeholder Group had several meetings, four committees were formed: (1) Health/Risk Committee, whose task was to develop recommended risk goals, (2) Area and Minor Source Committee, whose task was to assess the risk from area and minor sources and develop recommended measures to meet the risk goals, (3) Mobile and Non-Road Mobile Sources, whose task was to assess the risk from mobile and non-road mobile sources and develop recommended measures to meet the risk goals, and (4) Report and Plan of Action Committee, whose task was to develop the final report. In July 2007,

the Stakeholder Group reached a consensus on all of the recommendations and strategies that were presented by the committees.

Ms. Smith said that there are 35 recommendations in the report and emphasized that the recommendations are simply a snapshot of possible strategies. Evaluations need to be conducted on sources and control strategies that are not covered in the report. She explained that the next step for the Board is discuss the report and decide what actions the District should take to implement the report's recommendations. The report is available online from the District's website, www.louisvilleky.gov/apcd. Ms. Smith thanked the District staff and Ms. Scott for their support in developing the plan.

Committee Reports

Fine Particle Air Quality Task Force

Mr. Williams announced that Cynthia Lee, Manager of Environmental Programs, will now be the staff lead for the Fine Particle Air Quality Task Force (Task Force). Mr. Trout will work closely with Ms. Lee to provide technical support to the Task Force. Chris Bobay will coordinate the Task Force's meetings and its five committees: Health Committee, Emissions Inventory and Modeling Committee, Stationary and Area Source Committee, Mobile and Non-Road Mobile Source Committee, and Report and Plan of Action Committee. Ms. Lee said that the report and recommendations from the Task Force are expected to be completed by December 2007 and presented to the Board in January 2008.

Staff Reports

A. Director

Mr. Williams said that six additional exceedances of the 8-hour ozone standard have occurred since the August 15, 2007, Board meeting. There is now an apparent new violation of the 8-hour ozone standard at the Buckner monitor. He said that, year-to-date, there have been 20 exceedances on 13 different days, which is the most since 2002. If the apparent new violation of the 8-hour standard is confirmed after the data have been quality assured, the District will be required to review contingency measures and implement at least one of them. Mr. Williams said the District plans to reconvene the Ozone Air Quality Task Force within the next few months to discuss the potential contingency measures that address the apparent violation. He explained that although the U.S. Environmental Protection Agency (EPA) would normally expect the review to begin in May 2008, we shouldn't delay because a violation of the 8-hour ozone standard adversely affects public health.

Mr. Williams said that the KAIRE program has a very substantial role in addressing ozone issues in the community and announced that the Kentucky Transportation Cabinet has now committed to continue funding the program in the amount of \$480,000. The KAIRE staff, Mr. Stull, Ms. Jesse and Ms. Lynch, participate in numerous events in the region and use several strategies to raise the community's awareness and change behaviors to help improve air quality.

Mr. Williams reported that the District partnered with United Parcel Service (UPS) on a grant application and UPS received approximately \$400,000 to \$500,000 in funding to begin a pilot project to use biodiesel in its onsite ground support equipment. If the pilot project is successful, UPS will use biodiesel in their ground fleet in Louisville and then begin using it more substantially across the country.

Mr. Williams provided an update on the STAR Program relating to industrial sources. The District expects to begin, within the next month, the third and final set of regulation amendments that were recommended by the STAR Implementation Advisory Group.

Mr. Williams gave an update on the Climate Change agreement. Louisville is being considered for formal participation on the Climate Registry, which is the new national organization that will record and track greenhouse gas emissions.

Mr. Williams announced that a Compliance Unit has been created in the Engineering Section. Martha Hettinger will supervise a team of eight engineering staff, whose focus is to determine if companies are complying with permit terms and conditions. The compliance staff will conduct onsite inspections of processes and controls, review reports, and determine compliance or non-compliance.

Mr. Williams stated the District plans to increase the level of activity of rulemakings which have been on hold due to Mr. Trout's involvement with other District projects. Mr. Williams said that there are approximately 24 regulations that the District will propose for revision during the next 12-16 months. The plan is to present at least two rulemakings per month to the Board. Mr. Williams said the schedule is very aggressive and District staff will work hard to keep the process moving forward.

Mr. Williams said that Mayor Abramson has identified nine strategic initiatives that Louisville Metro will undertake. The District will be involved in five of the initiatives, one of which is a green initiative for the city to advance environmental improvements through the city's enterprise. He said that he expects that the District will also become involved in some of the other initiatives, such as better integrating land use and transportation, health issues, and general quality of life. In addition, Mr. Stull will work with Chad Carlton on amenities and issues that are important to young professionals. Some of the other initiatives include revenue and expenditures, vacant properties, and the City of Parks.

Mr. Williams reported that District staff continue to work on the reissuance of the Swift FEDOOP permit. Mr. Williams expects action to be taken on the permit in a few weeks.

Mr. Williams said that District staff continue to participate in national toxics conferences and the STAR Program continues to be a significant topic of interest nationally. In October, Ms. Lee will address conference attendees in Chicago for a presentation on monitored toxics risks and other monitoring issues and Mr. Trout will discuss the STAR Program at a conference in North Carolina. Locally, District staff recently met with suburban fire chiefs regarding open burning issues. Mr. Williams said that he moderated a lunch panel for a faith-based conference at the Presbyterian Theological Seminary titled "Mending the Earth." He also moderated an

after-movie discussion of the premiere showing of Leonard DiCaprio's film titled "The 11th Hour" which addresses global environmental issues.

B. Air Quality Data

Mr. Williams said that the August 2007 monitored PM_{2.5} average was 21 µg/m³, which is close to August results in previous years. He said that the monitored levels for the rest of the year would need to be very low to achieve attainment, which is not likely to occur.

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 9/11/07* report was submitted for filing. A copy is attached to the original minutes.

D. Excess Emission Reports

The *Excess Emissions Report* dated August 2007 was submitted for filing. A copy is attached to the original minutes.

E. STAR Program Projects

The *STAR Program Projects* report dated September 12, 2007, was submitted for filing. A copy is attached to the original minutes.

F. Permit Application Log

Mr. Williams reported that during August 2007, the Engineering section received 21 permit applications and issued 26 permits, which is a slight net improvement in the backlog.

Mr. Williams announced that a new chart showing permits over time was developed graphing the net levels of permits pending for review on a monthly basis dating back to January 2004. Mr. Williams said that the backlog has decreased due to improvements in the Engineering Section since 2006, including the addition of staff, an improved salary structure, and improvements in filling vacancies and retaining staff,.

Ms. Smith commended Mr. Goldsmith and the Engineering Section for the new report and their work in reducing the permit backlog.

The *August 2007 Application Log and Completed Application Log* was submitted for filing. A copy is attached to the original minutes.

Mr. Williams said that the Permitting System Improvement Plan is in the third phase of implementation. He said the District is making good, steady progress to implement projects and

that he and Mr. Goldsmith meet regularly to keep the process moving forward. Also, periodic meetings are held with Greater Louisville, Inc.

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 Wednesday, October 17, 2007, at 10:00 a.m.

Adjournment

The meeting adjourned at 11:02 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer