

**Minutes
Regular Meeting
of the
Air Pollution Control Board of Jefferson County
January 16, 2002**

The regular meeting of the Air Pollution Control Board of Jefferson County was called to order January 16, 2002, at 9:01 a.m. in the Board Room of the Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Joseph Vibbert. Karen Cassidy, Lewis Hammond, Michael Hess, Lee Howard, and Dr. Wayne Tuckson were present. A quorum was present.

The following District staff members were present: Art Williams, Jon Trout, Gayle Ballard, Jesse Goldsmith, Terri Phelps, Cynthia Lee, Art Chang, Mitzi Powell, Chris Bryant, Bruce Gaylord, Rebecca Stutsman, Tom Pinto, Marty Layman, Doug Spillman, Bob Dorzback, T.J. Jessie, Cynthia Lee, Phyllis Fitzgerald, Martha Gammons, and Donna Anthony.

The following guests were present: Bob Ehrler, Frost Brown Todd; Brad Dillon, Greenebaum Doll & McDonald; Robert Gioffre, Gordon-Darby; Don Satterly, KY Gasoline Dealers Association; Charles Huff, CR Huff Environmental; Malcolm Winsper and Dave Newman, KY Motorcycle Association; Steve Marks, General Electric; Judith McCandless, Citizen; Carolyn Embry, American Lung Association of KY; Martin Luther, KY Division for Air Quality; and Marlene Zeckner Pardee, LG&E.

Approval of Minutes

The minutes of the Public Hearing and Board meeting of December 19, 2001, were approved as corrected.

Committee Reports

A. Policy Committee Report

The Policy Committee met on Wednesday, January 16, 2002, at 8 am. Mr. Trout discussed draft amendments to Regulations 1.15, 5.02, and 7.02. Regulation 1.15 *Version of Federal Regulations Incorporated by Reference* identifies the effective date for federal regulations that are incorporated by reference in District regulations and is being updated to reflect the federal regulations as published in the *Code of Federal Regulations (CFR)* as of July 1, 2001. Regulation 5.02 *Federal Emission Standards for Hazardous Air Pollutants Incorporated by Reference* and Regulation 7.02 *Federal New Source Performance Standards Incorporated by Reference* have minor word changes in the titles and reflect the changes made by the U.S. Environmental Protection Agency (EPA) to 40 CFR parts 60, 61, and 63 since the July 1, 2001, CFR date identified in the draft amendment to Regulation 1.15.

The Policy Committee approved all three draft amended regulations to undergo the formal Public Review process. A legal notice announcing the written comment period will be published on January 18 and the public hearing will be held on February 20 just prior to the Board meeting.

Staff Reports

A. Director

Mr. Williams reported that no lawsuit was filed by the deadline to challenge the redesignation of the Louisville area to attainment.

Mr. Williams said that over the last three years the District has given monthly an extensive update report on the PM_{2.5} ambient monitoring results in relation to the new federal standard. Now that the District has completed three full years of PM_{2.5} monitoring, he requested permission from the Board to include routine PM_{2.5} monitoring results in the written reports provided monthly to the Board and discuss only unusual or notable PM_{2.5} monitoring results. He indicated that it is likely to be at least three years before the EPA designates areas as attainment or nonattainment for the PM_{2.5} standard. Mr. Williams said that the District will continue to monitor for PM_{2.5} and it is likely that the EPA will use the most recent three years of PM_{2.5} monitoring data for making attainment determinations. The Board agreed that this proposed level of reporting on PM_{2.5} monitoring was acceptable.

Mr. Williams stated that the monitoring phase of the air toxics project, in which the District participated, that focussed on the west county area was completed in April of 2001. Two subcommittees of the West County Task Force have been working on the next steps for this project. The Risk Assessment Workgroup has been working with a contractor to do a chemical-by-chemical quantitative and qualitative analysis of the monitoring data. The results are expected by late summer. The Risk Management Workgroup will take the results of the monitoring data and assess whether the levels monitored constitute a problem or concern. The Risk Management Workgroup has come close to a consensus on the levels of exposure at which action to reduce the exposures should be taken. An understanding of where the exposure levels of concern exist and an evaluation of the best options for reducing risk to the community are expected to be developed by the end of 2002.

Mr. Williams said that anecdotal reports have indicated that the odors from the Metropolitan Sewer District (MSD) Morris Forman Wastewater Treatment Plant have dropped considerably since MSD discontinued the use of the Zimpro process in December. The Chairman asked whether the cooler wintertime ambient temperatures have an effect on reducing odors. Mr. Williams responded that lower temperatures are beneficial but also meteorological inversions play a significant role in the level of odors in the area.

Mr. Williams indicated that the District has received additional information from Noveon and PolyOne, the two companies for which the EPA had filed objections to the issuance of their Title V permits. The District has reviewed this information and requested the EPA to drop its objections and allow the District to issue the Title V permits.

With respect to the Board Order with the Louisville Gas and Electric Company Mill Creek Generating Station (LG&E) for modifying the stacks to decrease the periodic deposition of reactive particles, Mr. Williams indicated that LG&E submitted a letter to the District last week requesting a change in the final completion date for Unit #3. In addition to the stack modification project, installation of the selective catalytic reduction (SCR) control device to meet the EPA's NO_x SIP Call

was to occur on this unit at the same time. Following two accidents that occurred while both of these projects were being undertaken on another unit, the LG&E safety committee determined that there were too many workers in the same space for both projects to be completed safely. A delay in completing the stack modification project would not delay the dates in the current Board Order by which the reactive particle deposition problem is required to be abated. The District will have a proposed amendment to the Board Order prepared for a public hearing at the February Board meeting.

Mr. Williams stated that he anticipates that the District's analysis of the *Louisville-Southern Indiana Ohio River Bridges Project Draft Environmental Impact Statement* will be completed and presented at the February Board meeting.

Mr. Williams reported that the suit filed against the District by the Justice Resource Center regarding odors at the Morris Forman Treatment Plant was dismissed by the judge.

Mr. Williams discussed the two bills introduced in the state legislature affecting the Vehicle Emissions Testing (VET) program, House Bill 46 introduced by Representative Marcott to exempt the first four model years from VET testing and House Bill 317 introduced by Representative Kerr to exempt farm trucks from VET testing. Mr. Williams reported that Senator Seum had indicated this week his intention to introduce a bill to end the VET program for counties that have achieved attainment with the federal ozone standard.

B. *Lawn Care for Cleaner Air Awards*

Ms. Fitzgerald announced *Lawn Care for Cleaner Air* awards for the following:

Alice Covell
Joann and Robert Robinson
Rosetta Fackler
Leslie Lanham
Camie Goodwin
Judith McCandless and Grady Clay

Ms. McCandless was present to receive her award. Ms. Fitzgerald provided a listing of emissions reduced from alternative lawn design and maintenance for each property for which an award has been given.

C. Air Quality Data

The PM_{2.5} reports for December 2001 were submitted for filing. A copy of each is attached to the original minutes.

D. VET

The VET report for December 2001 was submitted for filing. A copy is attached to the original minutes.

E. Enforcement Status

The *APCD Enforcement Status 01/07/2002* report was submitted for filing. A copy is attached to the original minutes.

Chairman Vibbert, on behalf of the Board, extended congratulations to Helen Harman on her retirement from the District and expressed his personal appreciation for the help that she had given to him both as a Board member and as the Board Chairman.

Adjournment

The meeting adjourned at 9:35 a.m.

Joseph D. Vibbert
Chairman

Jonathan L. Trout
Secretary-Treasurer