



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

## ENERGY AND ENVIRONMENT CABINET

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-3350  
TELEFAX: 502-564-7484

August 11, 2020

Ms. Mary S. Walker  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

RE: EPA approval of the emissions statement requirement for the Jefferson County 2015 ozone nonattainment area and, revisions to Regulation 1.06, *Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting*, to the Jefferson County portion of the Kentucky State Implementation Plan (SIP).

Dear Ms. Walker:

On behalf of the Commonwealth of Kentucky, the Kentucky Energy and Environment Cabinet (Cabinet) respectfully requests that the EPA approve the enclosed final revision to the Jefferson County portion of the Kentucky State Implementation Plan (SIP). Kentucky is seeking approval to replace version 9 of Regulation 1.06, *Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting*, with version 10, with the exception of Section 5 and references to Section 5.

The amendments to Regulation 1.06 also satisfy the requirement of Section 182(a)(3)(B) of the Clean Air Act (CAA) to “submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement...showing the actual emissions of oxide of nitrogen and volatile organic compounds from that source.”

As allowed by Section 182(a)(3)(B)(ii) of the CAA, the Louisville Metro Air Pollution Control District (District) has chosen to waive the requirement for sources emitting less than 25 tons per year of NO<sub>x</sub> or VOCs.

In accordance with 40 CFR 51.102, the District offered the public 30 days to comment on the proposed SIP revision. A public hearing was held on May 20, 2020. The public hearing notices and meeting minutes are included within this submittal.

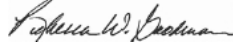
Ms. Mary Walker

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August 11, 2020

If you have any questions or comments concerning this matter, please contact Ms. Kelly Lewis, Program Planning and Administration Branch Manager, at (502) 782-6687 or [Kelly.lewis@ky.gov](mailto:Kelly.lewis@ky.gov).

Sincerely,



Rebecca W. Goodman  
Secretary

RWG/lmp

c: Gregg Worley, EPA Region 4

Scott Davis, EPA Region 4

Lynorae Benjamin, EPA Region 4

Enclosures



AIR POLLUTION CONTROL DISTRICT  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

KEITH TALLEY, Sr.  
DIRECTOR

July 2, 2020

Ms. Melissa Duff, Director  
Division for Air Quality  
300 Sower Blvd, 2<sup>nd</sup> Floor  
Frankfort, KY 40601

Dear Ms. Duff:

**The Air Pollution Control District of Jefferson County (District) requests that the enclosed material be submitted to the U.S. Environmental Protection Agency (EPA) as revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP).** Electronic versions of all documents enclosed, including this letter, have been uploaded through SPeCS for SIPs.

This package contains one SIP request. The District requests that the Commonwealth request the following:

1. 1.06, *Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting*, Version 10, except Section 5 and references to Section 5 – Request approval into the Jefferson County SIP, replacing Version 9.

These amendments to Regulation 1.06 also satisfy the requirements of Section 182(a)(3)(B) of the Clean Air Act (CAA) to “submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement ... showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source.” The District has chosen to waive the requirement for sources emitting less than 25 tons per year of NO<sub>x</sub> or VOCs, as allowed by Section 182(a)(3)(B)(ii) of the CAA.

Your prompt consideration of this request is appreciated. If you have any questions or comments, please contact Byron L. Gary at [Byron.Gary@LouisvilleKy.gov](mailto:Byron.Gary@LouisvilleKy.gov) or (502) 574-7253. Please note Mr. Gary is currently working from home, so he may take a day or two to respond to calls to his office phone.

Sincerely,

Keith Talley, Sr.  
Director

Enclosures

WWW.LOUISVILLEKY.GOV

WWW.LOUISVILLEKY.GOV/APCD 701 WEST ORMSBY AVENUE SUITE 303 LOUISVILLE, KENTUCKY 40203-3137



## LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT CHECKLIST FOR SIP SUBMITTALS

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### Administrative Materials<sup>1</sup>

- a) Letter<sup>2</sup>
- b) *Adoption*
  - i. Signed Board Minutes adopting regulation
- c) Legal Authority  *see Necessity & Function section of Regulation*
- d) Actual Regulation or document, including changes made
  - i. Copy of Regulation or Plan
  - ii. Redline/Strikethrough (if reg change)
- e) *Commonwealth/Local procedural requirements*
  - i. Committee Notice
  - ii. Committee Minutes
  - iii. 7-21 day public notice
- f) 30 day public notice
- g) Public Hearing Minutes
- h) Comment & Response document

### Technical Support<sup>3</sup>

- a) Pollutant Identification
- b) Area Identification
- c) Quantification of changes
- d) 110(l) Demonstration
- e) Modeling (if needed)  (n/a)
- f) Evidence limitations are based on continuous emission reduction technology (if necessary)  (n/a)
- g) Evidence plan contains emission limitations, work practice standards and recordkeeping/reporting requirements (if necessary)  (n/a)
- h) Compliance/enforcement strategies
- i) Special economic and technological justifications (if required)  (n/a)
- j) Regulatory Impact Assessment<sup>4</sup>

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<sup>1</sup> 40 CFR Part 51, Appendix V, 2.1

<sup>2</sup> Letter from Commonwealth is technically required. Letter to DAQ may be used to fulfill some administrative requirements.

<sup>3</sup> 40 CFR Part 51, Appendix V, 2.2

<sup>4</sup> RIA is not specifically required by App. V. For routine regulation updates (e.g., IBRs), required technical support may be included in the RIA.

## **REQUEST FOR EPA ACTION**

The Air Pollution Control District of Jefferson County (District) requests a revision to the Jefferson County portion of the Kentucky State Implementation Plan (SIP):

**1.06, Stationary Source Self- Monitoring, Emissions Inventory Development, and Reporting, Version 10, except Section 5 and references to Section 5 – Request approval into the Jefferson County SIP, replacing Version 9.**

## Pollutant/Area Identification

**Pollutant:** All  
**Affected Area:** Jefferson County, Kentucky  
**Location:** Louisville MSA

**Area Designation:** SO<sub>2</sub> (2010 Standard) – Partial Nonattainment  
Ozone (2015 Standard) – Marginal Nonattainment

### Resulting Emissions Changes:

The District does not expect any immediate resulting emissions changes from these amendments.

However, according to the U.S. EPA “[t]he benefits of a reporting system are based on their relevance to policy making, transparency issues, and market efficiency. Benefits are very difficult to quantify and monetize.” *GHG Reporting Rule* at 56,368. Transparency benefits the public generally, in helping keep emitters accountable. Reporting benefits government generally, and the District specifically, in having full information available in any future policy making decisions. Benefits to industry include having more complete data available in their own decision-making, and opportunities to discover waste and for emissions reductions. Furthermore, as reporting requirements are expanded and additional institutional knowledge and capacity is developed associated costs generally decline. *Id.* at 536,368-69.

### NOTE:

These amendments to Regulation 1.06 also satisfy the requirements of Section 182(a)(3)(B) of the Clean Air Act (CAA) to “submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement ... showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source.” The District has chosen to waive the requirement for sources emitting less than 25 tons per year of NOX or VOCs, as allowed by Section 182(a)(3)(B)(ii) of the CAA.

**REGULATION 1.06 Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting**

**Louisville Metro Air Pollution Control District  
Jefferson County, Kentucky**

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Relates To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes requirements for stationary source monitoring, record-keeping, and reporting.

**SECTION 1 Stack Monitoring and Reporting**

- 1.1 The District may require the owner or operator of a stationary source to install, operate, and maintain stack gas measuring, emission monitoring, and parametric monitoring equipment, including data storage devices, and periodically report monitoring or real-time monitoring data to the District.
- 1.2 Stack monitoring and reporting requirements for specific types of affected facilities are contained in the applicable regulations.
- 1.3 The District, for cause, may include additional or more stringent requirements in the permit for an individual affected facility than those in the applicable regulations.

**SECTION 2 Ambient Air Monitoring and Reporting**

The District may require the owner or operator of a stationary source to install, operate, and maintain ambient air monitoring equipment and to periodically submit ambient air monitoring reports to the District.

**SECTION 3 Requirements for Emissions Statements**

- 3.1 When reporting actual emissions, the owner or operator shall include any increased emissions that result from startups, shutdowns, and upset conditions.
- 3.2 Emissions shall be calculated using one of the following methods:
  - 3.2.1 An emission factor from the EPA's Emissions Factors and Policy Applications Center (EFPAC), which includes AP-42,
  - 3.2.2 An emission factor or method from the EPA's Emission Inventory Improvement Program (EIIP),
  - 3.2.3 A method in a federally enforceable District regulation,
  - 3.2.4 An emission estimation equation, factor, or method included in an EPA regulation for determining actual emissions,
  - 3.2.5 Stack test or CEMS data,
  - 3.2.6 For a purchased material, information from the Material Safety Data Sheet (MSDS), or
  - 3.2.7 A method proposed by the owner or operator and approved in writing by the District.
- 3.3 Data required in emissions statements shall include the process- or process equipment-specific calculations used to determine emissions. The raw data used to calculate the emissions shall be retained by the owner or operator of the stationary source for 5 years and shall be made available to the District upon request. Representative portions of the

raw data used to calculate the emissions shall be supplied to the District in support of the emissions statement.

- 3.4 The District may require such additional information be submitted as necessary.
- 3.5 Data required by Sections 4 through 6 shall be submitted on forms provided by the District, or in an alternate format approved by the District.
- 3.6 A stationary source that did not emit an air contaminant required to be reported under Section 4 or 5 during an applicable year shall submit a negative declaration in place of the required emission statement.

#### **SECTION 4 Emissions Statements for Criteria Pollutants, HAPs, and Ammonia**

- 4.1 All stationary sources shall maintain annual records of actual emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone precursor emissions of volatile organic compounds and oxides of nitrogen, lead, ammonia, and all hazardous air pollutants (HAPs) listed in Regulation 5.14. Stationary sources shall retain these records for 5 years.
- 4.2 On or before April 15 of each year, stationary sources subject to Regulation 2.16 shall submit to the District a statement of actual emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone precursor emissions of volatile organic compounds and oxides of nitrogen, lead, ammonia, and all hazardous air pollutants (HAPs) listed in Regulation 5.14 for the previous calendar year of operation .
- 4.3 The District may require the owner or operator of any source not subject to section 4.2 to report its actual or potential emissions to the District. The information shall be certified pursuant to Section 7 and returned to the District by the deadline stated in the forms or the letter of transmittal.

#### **SECTION 5 Emissions Statements for Toxic Air Contaminants**

- 5.1 On or before April 15 of each year, the owner or operator of a stationary source described in section 4.2 shall submit to the District a statement of actual emissions, for the previous calendar year of operation, of toxic air contaminants (TACs) that are:
  - 5.1.1 Listed in Sections 1 - 4 of Regulation 5.23, and
  - 5.1.2 Not reported under Section 4 of this regulation.
- 5.2 In making the report under section 5.1, the owner or operator may exclude emissions from motor vehicle fueling and refueling.

#### **SECTION 6 Emissions Statements for Ozone Precursors**

- 6.1 On or before April 15 of each year, all stationary sources of oxides of nitrogen or volatile organic compounds shall submit to the District a statement of actual emissions of those compounds.
- 6.2 Exemptions from this section:
  - 6.2.1 Facilities with less than 25 tons per year of plant-wide actual volatile organic compounds or oxides of nitrogen emissions are exempted from this requirement, unless emissions of the other are at or above 25 tons per year. The District may require sources claiming this exemption to provide adequate information to verify actual emissions for the previous year.
  - 6.2.2 The District may waive this requirement for sources located in an area designated as attainment or maintenance by U.S. EPA for all National Ambient Air Quality Standards



(NAAQS) for ozone.

- 6.3 The emission statements submitted by the source to the District shall contain (at a minimum) all information required by Section 3 of this Regulation. The Emissions Statement submitted under Section 4 may be used to satisfy the requirements of this section.

**SECTION 7 Certification by a Responsible Official**

Information submitted to the District pursuant to this regulation shall contain a formal certification by a responsible official, as defined in Regulation 1.02, stating:

"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this document are true, accurate, and complete."

Adopted v1/4-19-72 effective 4-19-72; amended v2/9-1-76, v3/6-13-79, v4/12-17-86, v5/11-18-92, v6/12-15-93, v7/6-21-05 effective 7-1-05, v8/9-21-05, v9/1-19-11, v10/05-20-2020

**REGULATION 1.06 Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting**

**Louisville Metro Air Pollution Control District  
Jefferson County, Kentucky**

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Relates To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes requirements- for stationary source monitoring, record-keeping, and reporting.

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- 1.1 The District may require the owner or operator of a stationary source to install, operate, and maintain stack gas measuring, emission monitoring, and parametric monitoring equipment, including data storage devices, and periodically report monitoring or real-time monitoring data to the District.
- 1.2 Stack monitoring and reporting requirements for specific types of affected facilities are contained in the applicable regulations.
- 1.3 The District, for cause, may include additional or more stringent requirements in the permit for an individual affected facility than those in the applicable regulations.

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The District may require the owner or operator of a stationary source to install, operate, and maintain ambient air monitoring equipment and to periodically submit ambient air monitoring reports to the District.

**SECTION 3 Requirements for ~~Section 4 and Section 5~~ Emissions Statements**

- 3.1 When reporting actual emissions, the owner or operator shall include any increased emissions that result from startups, shutdowns, and upset conditions.
- 3.2 Emissions shall be calculated using one of the following methods:
  - 3.2.1 An emission factor from the EPA's Emissions Factors and Policy Applications Center (EFPAC), which includes AP-42,
  - 3.2.2 An emission factor or method from the EPA's Emission Inventory Improvement Program (EIIP),
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  - 3.2.4 An emission estimation equation, factor, or method included in an EPA regulation for determining actual emissions,
  - 3.2.5 Stack test or CEMS data,
  - 3.2.6 For a purchased material, information from the Material Safety Data Sheet (MSDS), or
  - 3.2.7 A method proposed by the owner or operator and approved in writing by the District.
- 3.3 Data required ~~by Sections 4 and 5~~ in emissions statements shall include the process- or process equipment-specific calculations used to determine emissions. The raw data used to calculate the emissions shall be retained by the owner or operator of the stationary source

for 5 years and shall be made available to the District upon request. Representative portions of the raw data used to calculate the emissions shall be supplied to the District in support of the emissions statement.

3.33.4 The District may require such additional information be submitted as necessary.

3.43.5 Data required by Sections 4 ~~and 5~~ through 6 shall be submitted on forms provided by the District, or in an alternate format approved by the District.

3.53.6 A stationary source that did not emit an air contaminant required to be reported under Section 4 or 5 during an applicable year shall submit a negative declaration in place of the required emission statement.

#### **SECTION 4 Emissions Statements for Criteria Pollutants, HAPs, and Ammonia**

4.1 All stationary sources shall maintain annual records of actual emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone precursor emissions of volatile organic compounds and oxides of nitrogen, lead, ammonia, and all hazardous air pollutants (HAPs) listed in Regulation 5.14. Stationary sources shall retain these records for 5 years.

4.2 On or before April 15 of each year, stationary sources subject to Regulation 2.16 shall submit to the District a statement of actual emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone precursor emissions of volatile organic compounds and oxides of nitrogen, lead, ammonia, and all hazardous air pollutants (HAPs) listed in Regulation 5.14 for the previous calendar year of operation .

4.3 The District may require the owner or operator of any source not subject to section 4.2 to report its actual or potential emissions to the District. The information shall be certified pursuant to Section 67 and returned to the District by the deadline stated in the forms or the letter of transmittal.

#### **SECTION 5 Emissions Statements for Toxic Air Contaminants**

5.1 On or before April 15 of each year, the owner or operator of a stationary source described in section 4.2 shall submit to the District a statement of actual emissions, for the previous calendar year of operation, of toxic air contaminants (TACs) that are:

5.1.1 Listed in Sections 1 - 4 of Regulation 5.23, and

5.1.2 Not reported under Section 4 of this regulation.

5.2 In making the report under section 5.1, the owner or operator may exclude emissions from motor vehicle fueling and refueling.

#### **SECTION 6 Emissions Statements for Ozone Precursors**

6.1 On or before April 15 of each year, all stationary sources of oxides of nitrogen or volatile organic compounds shall submit to the District a statement of actual emissions of those compounds.

6.2 Exemptions from this section:

6.2.1 Facilities with less than 25 tons per year of plant-wide actual volatile organic compounds or oxides of nitrogen emissions are exempted from this requirement, unless emissions of the other are at or above 25 tons per year. The District may require sources claiming this exemption to provide adequate information to verify actual emissions for the previous year.

6.2.2 The District may waive this requirement for sources located in an area designated as attainment or maintenance by U.S. EPA for all National Ambient Air Quality Standards (NAAQS) for ozone.

6.3 The emission statements submitted by the source to the District shall contain (at a minimum) all information required by Section 3 of this Regulation. The Emissions Statement submitted under Section 4 may be used to satisfy the requirements of this section.

~~5.2~~

**~~SECTION 6~~SECTION 7 Certification by a Responsible Official**

Information submitted to the District pursuant to this regulation shall contain a formal certification by a responsible official, as defined in Regulation ~~2.161.02~~, stating:

"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this document are true, accurate, and complete."

Adopted v1/4-19-72 effective 4-19-72; amended v2/9-1-76, v3/6-13-79, v4/12-17-86, v5/11-18-92, v6/12-15-93, v7/6-21-05 effective 7-1-05, v8/9-21-05, v9/1-19-11, v10/05-20-2020

# Public Hearing Documentation



**AIR POLLUTION CONTROL DISTRICT  
LOUISVILLE, KENTUCKY**

**GREG FISCHER**  
MAYOR

**KEITH H. TALLEY, SR.**  
DIRECTOR

**Louisville Metro Air Pollution Control Board  
Notice of Policy Committee Meeting**

The Policy Committee of the Louisville Metro Air Pollution Control Board will meet at 9:00 a.m. on **Wednesday, April 15, 2020** via teleconference due to the COVID-19 outbreak.

The Policy Committee invites the public to attend. Instructions on attending the teleconference are located below, and at [www.louisvilleky.gov/APCD/Docket](http://www.louisvilleky.gov/APCD/Docket).

**Policy Committee Meeting Agenda**

1. Call to Order – Recognition of Quorum
2. Draft amendment to Regulation 1.06, *Source Self-Monitoring, Emissions Inventory Development and Reporting*, Version 10, Draft 1
3. Adjourn

Policy Committee Meeting  
Hosted by Byron Gary

Wednesday, Apr 15, 2020 9:00 am | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 475 300 639

Password: LMAPCD

<https://louisvilleky.webex.com/louisvilleky/j.php?MTID=m25e1a2d9e43be6837f13c3bf09f628f9>

Join by video system

Dial 475300639@louisvilleky.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

+1-415-655-0001 US Toll

Access code: 475 300 639

**Minutes  
Policy Committee Meeting  
of the  
Louisville Metro Air Pollution Control Board**

**April 15, 2020**

A meeting of the Policy Committee of the Louisville Metro Air Pollution Control Board was called to order on April 15, 2020, at 9:05 a.m. via teleconference due to the COVID-19 outbreak, by the Committee Chairman, Steve Sullivan. Committee members, Dr. Josephine Mei and Kandice Shobe-White were also in attendance. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Rachael Hamilton, Matt King, Michelle King, Byron Gary, Andy Purdon, Karen Thorne, Craig Butler, and Cherri Steiner. Assistant County Attorney Stacy Fritze Dott was also present.

The following guests were present: Amanda Dant, Carbide Industries; Brandan Burfict, LG&E-KU; Jennifer Cave, Stites & Harbison; Susan Clark, Lubrizol; Rebecca Cash, LG&E-KU; and Amy Lint, Highlands Environmental.

The Chairman read the opening statement, which was to review the following matter:

1. **Draft amendments to Regulation 1.06** *Source Self-Monitoring, Emissions Inventory Development and Reporting*, Version 10, Draft 1

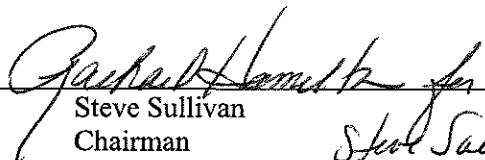
Mr. Byron Gary, Regulatory Coordinator, stated that the amendments to Regulation 1.06 make changes to comply with requirements due to the area's recent designation as marginal nonattainment for the 2015 Ozone NAAQS. Due to that designation the Clean Air Act requires the District collect annual emissions statements from all sources of the ozone precursors oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOCs). The only exception is that the District may exclude categories of sources which emit less than 25 tons per year of both NO<sub>x</sub> and VOCs. The proposed amendments categorically exclude all sources emitting less than 25 tpy of each in a given year. Furthermore, the District is proposing minor conforming amendments to Section 3, as well as adding a subsection allowing the District to request additional information as necessary. This is intended to allow the District to request additional information such as monthly throughput and production data which may be necessary to calculate additional measures such as lbs./summer day which may be required for our reporting to U.S. EPA. The District recommended the Committee approve these proposed amendments for release for public comment for 30 to 45 days.

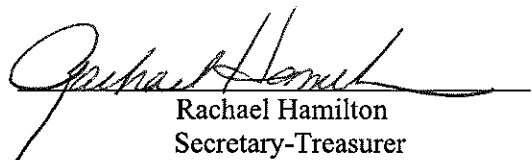
**Motion:** Dr. Mei moved that the District's proposed amendments to Regulation 1.06 be released for a public comment period of 30 to 45 days.

Steve Sullivan seconded the motion. The motion passed unanimously.

**Adjourn**

The meeting was adjourned at 9:16 a.m.

  
Steve Sullivan  
Chairman

  
Rachael Hamilton  
Secretary-Treasurer



# Classifieds

To place your ad, call 502-582-2622, or email [classifieds@courier-journal.com](mailto:classifieds@courier-journal.com)

Homes

the job network  
jobs.courierjournal.com

## GENERAL FOR SALE

All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Courier-Journal reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Courier-Journal shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

## GENERAL MERCHANDISE



CPAP Respirators. 5 years old. great shape! \$500. 502-298-0511

## PETS

If you're looking for a good home for your pet, you may wish to avoid having your pet sold for commercial purposes by screening potential new owners carefully. Kentucky state law regulates the ownership of certain "exotic wildlife." Contact the Dept. of Fish & Wildlife Resources for ownership requirements.

REMEMBER - If someone offers you a deal that sounds too good to be true, it probably is.

## DOMESTIC PETS

HAVANESE pups. AKC, home raised, best health guarantee, www.noahslittleark.com 502-912-9585

## LEGAL

### BEER AND LIQUOR LICENSE

The Palm Room, LLC, Mailing Address 3801 Billtown Rd Unit 99602, Louisville KY 40269, Hereby declares intention(s) to apply for a Catering License-Special Sunday Retail Drink License (s). The business to be licensed will be located at 1821 W. Jefferson St. Louisville, KY 40203 doing business as The Palm Room. The owner(s), Principal Officers and Directors, Limited Partners; or Members) are as follows: Applicant, Keith A. Fant 3801 Billtown Rd, Louisville, KY 40269, and Applicant, Marcus D Withers 3801 Billtown Rd, Louisville, KY 40269. Any person, association, corporation, or body politic may protest the granting of the license(s) by writing the Kentucky Dept. of Alcoholic Beverage Control, 500 Mero Street, 2NE33, Frankfort, Ky. 40601-8400, within 30 days of the date of this legal publication.

[courierjournal.com/newsletters](http://courierjournal.com/newsletters)  
courier journal

## PUBLIC NOTICES

### NOTICE OF CHANGE IN MEETING DATE AND STYLE BOARD OF TRUSTEES ANCHORAGE MIDDLETOWN FIRE & EMS

On the 15th of April 2020, the Chairman of the Anchorage Middletown Fire & EMS Board of Trustees rescheduled the regular monthly meeting of the Anchorage Middletown Fire & EMS Board of Trustees to Monday April 20th at 6:30 P.M. We will be holding this meeting as a Virtually Meeting due to the recent COVID-19 Pandemic.. You can join the <https://zoom.us/j/93784759237?pwd=UllxMFJjdHpiSkQvSlhzNFY1ZmQnQ099>, Meeting ID: 937 8475 9237; Password: 200510 Dial by your location +1 929 205 6099 US.

Notice of Public Comment Period and Hearing  
The Louisville Metro Air Pollution Control Board opens a public comment period April 17, 2020, on proposed amendments to Regulation 1.06, Source Self-Monitoring, Emissions Inventory Development and Reporting, Version 10 that were proposed on April 15, 2020. If adopted by the Board, the amendments to Regulation 1.06v10 will be submitted to US EPA for inclusion in the Kentucky State Implementation Plan.

Written statements will be accepted by the Board Secretary-Treasurer, Rachael Hamilton, by mail at Louisville Metro Air Pollution Control District, 701 W. Ormsby Ave., Suite 303, Louisville, Ky 40203, until 5:00 p.m., May 18, 2020. Written statements will also be accepted electronically until the same deadline via the Internet at the e-mail address [airregs@louisvilleky.gov](mailto:airregs@louisvilleky.gov). A public hearing will be held via teleconference on May 20, 2020, at 10:00 a.m. due to the COVID-19 outbreak. Instructions on attending the teleconference will appear at [www.louisvilleky.gov/APCD/Docket](http://www.louisvilleky.gov/APCD/Docket). Oral statements will be accepted at the public hearing. If you would like to speak, please join online by 10:00 a.m. and you will be able to make your statement. Oral statements shall be limited to three minutes. A request for a paper copy of the proposed amendments to be mailed to a recipient may be made by calling the District, (502) 574-5606, between 8 a.m. and 5 p.m. Monday through Friday. An electronic copy of the proposed regulation may be downloaded from the District's website at [www.louisvilleky.gov/APCD/Docket](http://www.louisvilleky.gov/APCD/Docket).

## REAL ESTATE

**PUBLISHER'S NOTICE**  
It is illegal under fair housing laws to advertise any preference, limitation, or discrimination based on race, color, religion, national origin, sex, disability, familial status, sexual orientation, or gender identity, or any intention to make any such preference, limitation, or discrimination. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. Please notify the Louisville Metro Human Relations Commission at 502-574-3631 if you feel there has been a violation.

### FARMS AND ACREAGE

ELIZABETH 30+ ACRES WOODS WITH CREEK PRIVATE \$99,900  
FREDRICKSBURG 21 ACRES SETUP FOR 2 HOMES OPEN WOODS \$91,900  
MAUKPORT 15+ ACRES BUCK CREEK FRONTAGE WOODS \$79,900  
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## CROSSWORD PUZZLER

### ACROSS

- Flat-topped military cap
- Zipped through
- Author — Rand
- Without fat
- Jungle knife
- Tolstoy's name
- Actress — Freeman
- College deg.
- Leaving
- du jour
- Twice II
- Inspirational slogan
- Flaked off
- Pal in Dijon
- Bishop of Rome
- Africa's longest river
- Turnpike exit
- Mouths, in biology
- Comedy routine

### DOWN

- Eur. airline
- Fair-hiring letters
- Item for a cook
- Ill-chosen
- "Fernando" band
- Layer of paint
- Loop train
- Stray calf
- "The Greatest"
- Longing
- Holiday cheer
- Home appliances
- Prune (off)
- Waterlogged area
- Nebraska hub
- Kitchen gadget
- Soil amender
- Enjoyed
- Jet set
- Hinder
- Swampish
- Face or amble lead-in
- Pedro's father
- Even one
- Does dock work
- Boitano's jumps
- Viking name
- Iditarod terminus
- Hidden microphone
- Viper
- Thing, in law
- Hose down
- That, to Juanita
- Messy place
- Nyet's opposite

### Answer to Previous Puzzle

S	E	W	N	F	A	C	T	H	I	D
A	C	H	E	U	H	O	H	E	S	E
C	O	O	P	E	R	A	T	E	W	E
			H	A	Y			I	N	N
U	M	B	E	R	M	A	R	E		
M	E	O	W	I	O	N	O	D	I	E
P	R	O		F	U	N		Y	D	S
S	E	M	I	S	R	A		P	E	E
			A	V	O	N		S	E	D
A	E	T	N				J	O	G	
L	Y	E		S	T	R	O	N	G	A
I	R	E		E	R	I	K	E	G	A
T	E	N		S	I	D	E		D	O

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### BEER AND LIQUOR LICENSE

NEPALI-MART LLC Mailing address 7309 Saint Andrews Church Rd, Louisville, KY 40214. Hereby declares intention(s) to apply for a NO Retail malt Beverage Package License/ No later than May 18, 2020. To be licensed will be located at 7309 Saint Andrews Church Rd, Louisville KY 40214. The owner(s); Principal Officers And Directors; Limited Partners; or member) are as follows: member Sadananda acharya 3527 wexford dr Louisville KY 40218. Any person, association, corporation, or body politic may protest the Granting of the license(s) by writing the dept. of Alcoholic Beverage Control, 500 zero street 2NE33 Frankfort, KY 40601 Within 30 days (KRS 243.430) of the date of this legal Publication.

Seven Louisville LLC, Mailing Address 2354 Frankfort Ave, Louisville, Ky 40206, Hereby declares intention(s) to apply for a NQ2 Retail Drink License Extended Hours 2AM and Special Sunday Retail Drink License(s) no later than May, 05, 2020. The business to be licensed will be located at 2354 Frankfort Ave, Louisville, Kentucky 40206 doing business as Seven Louisville. The owner(s); Principal Officers and Directors; Limited Partners; or Members) are as follows: Managing Partner, Michael Pruitt of 2354 Frankfort Ave, Louisville, Ky 40206, Louisville Ky, 40206. Any person, association, corporation, or body politic may protest the granting of the license(s) by writing the Dept. of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Ky. 40601-8400, within 30 days (KRS 243.430) of the date of this legal publication.

### INVITATION TO BID

Advertisement for Bid Sealed Bids will be accepted at Louisville Metro Housing Authority (Purchasing Department), 3223 South Seventh Street Road, Louisville, KY 40216 up to 10:00 a.m. E.S.T. on May 26, 2020, for the following service: Proposal #1520 Legal Services for Lease Enforcement, non-payment of rent and collections. For information obtaining bid packets contact Sharonda Wilson at (502) 569-3440. The Louisville Metro Housing Authority reserves the right to waive any informalities in bids received where such acceptance, rejection, or waiver is considered to be in the best interest of LMHA.

### PUBLIC NOTICES

Notice of Public Hearing The Louisville Metro Air Pollution Control Board will accept oral statements at a public hearing held via teleconference (due to the COVID-19 outbreak) on May 20, 2020 at 10:00 a.m. on amendments to Regulation 1.06, Source Self-Monitoring, Emissions Inventory Development and Reporting, Version 10 proposed on April 15, 2020. Instructions on attending the teleconference will be posted at www.louisvilleky.gov/APCD/Docket before the hearing. Oral statements will be accepted at the public hearing. If you would like to speak, please join by phone or online by 10:00 a.m. and you will be able to make your statement. Oral statements shall be limited to three minutes. A paper copy of the proposed amendments may be obtained by calling the District, (502) 574-6000, between 8 a.m. and 5 p.m. Monday through Friday. An electronic copy of the proposed regulations may be downloaded from the District's website at "www.louisvilleky.gov/APCD/Docket.htm".

### REQUEST FOR PROPOSALS PROJECT-BASED VOUCHERS FOR OFF-SITE BEECHER TERRACE REPLACEMENT HOUSING

Proposal #1521 The Louisville Metro Housing Authority (LMHA) is requesting proposals to provide Project-Based Voucher (PBV) units in qualified new construction rental housing in connection with the above referenced project. The rental housing must be located within one of the following areas:

- 1) The Russell neighborhood;
  - 2) Undeveloped lots in previous HOPE VI sites or the current Choice Neighborhood site;
  - 3) Non-impacted census tracts in Jefferson County; or
  - 4) Impacted census tracts that border previous HOPE VI census tracts or the current Choice Neighborhood census tract.
- Interested parties should contact Heather Hairgrove at 502-931-2495 to receive an RFP booklet which contains all pertinent information and forms needed to submit a responsive proposal. Proposal booklets may also be obtained at the LMHA offices at 420 South 8th Street, Louisville, Kentucky 40203 or electronically at www.lmha1.org under "Bid Opportunities."

Proposals are due Tuesday, June 2, 2020 at 10:00 a.m. EST. The proposals will be publicly opened in the office of the Louisville Metro Housing Authority's Purchasing Department via ZOOM, Meeting ID: 254-814-2014 Password: 340312306. Address proposals to: Attn: Steve Webb Louisville Metro Housing Authority

3223 South Seventh Street Road Louisville, Kentucky 40216 LMHA reserves the right to accept or reject any or all proposals and/or waive any informalities in the procurement process. LMHA is an equal opportunity employer and is committed to affirmative action in the involvement of Minority Business Enterprises (MBE) to the maximum extent possible. LMHA encourages MBE firms or individuals to respond. Non-minority firms or individuals are requested to seek participation of minority businesses as sub-consultants or in partnership arrangements to the maximum extent possible.

### NOTICE OF PROPOSED ISSUANCE OF KENTUCKY STATE PROPERTY AND BUILDINGS COMMISSION REVENUE BONDS, PROJECT NO. 123 FEDERALLY TAXABLE SERIES A

Pursuant to the provisions of Section 56.514 of the Kentucky Revised Statutes, notice is hereby given that the State Property and Buildings Commission of Kentucky (the "Commission") intends to sell at private, negotiated sale, its approximately \$37,000,000 principal amount of Revenue Bonds, Project No. 123 Federally Taxable Series A (the "Bonds"). The Bonds are being sold to (i) finance a public medical center project and (ii) pay the costs of issuing the Bonds.

It is estimated that the private negotiated sale of the titled Bonds will occur during the period May 18 to May 22, 2020. Further information regarding the Bonds may be obtained from Ryan Barrow, Executive Director, Office of Financial Management, Finance and Administration Cabinet of Kentucky, 702 Capital Avenue, Room 76, Capitol Annex, Frankfort, Kentucky 40601, telephone: (502) 564-2924 or from the managing underwriter, Citigroup Global Markets Inc., 388 Greenwch Street, New York, New York 10013, Attn: Paul Creedon (212) 723-5589.

RYAN BARROW Executive Director, Office of Financial Management, Commonwealth of Kentucky

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## The Kentucky Board of Education invites applications and nominations for the position of Commissioner of Education for the Commonwealth of Kentucky

The Kentucky Board of Education is accepting applications and nominations for its next Commissioner through May 31, 2020. Visit https://education.ky.gov/comm/Pages/2020-Kentucky-Education-Commissioner-Search.aspx for submission details. The Kentucky Department of Education and the Kentucky Board of Education do not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, veteran's status, genetic information or disability in employment or the provision of services.



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### Notice of Public Hearing via Teleconference

The Louisville Metro Air Pollution Control Board will hold a public hearing, via Teleconference due to the COVID-19 outbreak, on two Agreed Board Orders with Clariant Corporation. Clariant is alleged to have violated District Regulation 2.16 (Title V Operating Permits) at the facilities located at 1227 S. 12th Street and 4900 Crittenden Drive in Jefferson County, Kentucky.

Written comments from the public will be accepted by the Board, Rachael Hamilton, Secretary-Treasurer, by mail, at 701 W. Ormsby Ave. Suite 303, Louisville, KY 40203, until 5:00 p.m. May 19, 2020. Written comments will also be accepted electronically until the same deadline via the Internet at the e-mail address "airorders@louisvilleky.gov". Oral comments will be accepted at the public hearing via Teleconference on May 20, 2020, at 10:00 a.m. Instructions on attending the Teleconference will be located at www.louisvilleky.gov/APCD/doc ket prior to the meeting. Information may be obtained at www.louisvilleky.gov/APCD/doc ket or from Steven Gravatte, (502) 574-6000, between 9:00 a.m. and 5:00 p.m., Monday through Friday.

### ENGINEERING

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Humana Insurance Company is seeking a Lead Software Engineer for its Louisville, KY location who codes software applications based on business requirements and standardizes the quality assurance procedure for software. Oversees testing and debugging and develops fixes. Must have a Bachelor's degree in Computer Science or related field plus 7 yrs of progressively responsible, post bachelor's rtd exp or a Master's degree in CompSci or rtd fld plus 5 yrs of rtd exp./ Pre-employment drug screen and background check required. Send detailed technical resume to Humana, Attn: Aynsley Niss, Talent Acquisition Manager, 500 West Main Street, Louisville, KY 40202, or apply online at www.humana.com/careers (Req # R-230384).EEO.

### Vice President, Digital Engineering

Humana is seeking a Vice President, Digital Engineering for its headquarters in Louisville, KY to develop solutions that will support our enterprise digital strategy and enable the execution of that strategy. Must have a Bachelor's degree in CompSci or rtd fld and 10 yrs of progressively responsible post bachelor's rtd exp or a Master's degree in CompSci or rtd fld and 8 yrs of rtd exp./Pre-employment drug screen and background check required. Send detailed technical resume to Humana, Attn: Aynsley Niss, Talent Acquisition Manager, 500 West Main Street, Louisville, KY 40202, or apply online at www.humana.com/careers (Req # R-229705). EEO.

### REAL ESTATE

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## CROSSWORD PUZZLER

### ACROSS

- 1 Feathery wraps
- 5 Train unit
- 8 Intertwined
- 12 Egg on
- 13 Pub pint
- 14 Project starter
- 15 Tense
- 16 Combine
- 17 Quagmires
- 18 Starbucks order
- 20 Snappish
- 21 Called to mind
- 24 Agrees
- 27 Bradley and McBain
- 28 Garden-pond fish
- 31 Smelter's
- 32 Leafy climber
- 33 Form droplets
- 34 Faultfinder
- 35 Avril follower
- 36 Is suspicious
- 37 Historical records

### DOWN

- 39 Bluegrass instrument
- 43 Looks good on served
- 46 Where poi is served
- 47 Metro RRs
- 49 Unsmiling
- 51 Sere
- 52 Deceive
- 53 Draw with a laser
- 54 In good shape
- 55 First-aid box
- 56 Area of London

### Answer to Previous Puzzle

A	S	H	K	E	L	P	E	K	E	D
L	O	A	D	E	A	L	P	Y	R	E
F	U	J	I	R	O	Y	I	R	A	N
			S	K	I	S	B	L	A	S
U	N	R	I	P	E	L	E	O		
T	A	O	S	B	A	D	G	E	R	
E	G	O	B	E	A	D	S	Y	A	M
	S	K	U	L	L	S	A	R	G	O
		T	V	S	A	S	L	E	E	P
A	L	O	U	D	H	E	M	P		
P	U	R	R	M	I	T	O	A	H	U
S	T	A	N	E	D	N	A	P	I	N
E	E	L	S	N	E	A	P	T	E	D

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1	2	3	4	5	6	7	8	9	10	11
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46				47	48			49		50
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54				55				56		

- 8 Not a single woman
- 9 Some poems
- 10 Volcano fissure
- 11 Simple
- 19 HBO receivers
- 20 Six-point NFL events
- 22 McHale of the Celtics
- 23 Ben & Jerry rival
- 24 Voight of film
- 25 Lyricist — Gershwin
- 26 Implore
- 28 Green parrot
- 29 Galley mover
- 30 Passports
- 32 John, in Aberdeen
- 33 Moreover
- 35 Chinese chairman
- 36 Winter complaint
- 38 Stock or bond
- 39 Not very exciting
- 40 Halo, of sorts
- 41 Claw or talon
- 42 "Hey —" (Beatles tune)
- 44 Dorothy's dog
- 45 "There's no — thing!"
- 47 Broad-antlered deer
- 48 Twice XXVI
- 50 Letter after pi

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**Minutes  
of the  
Louisville Metro Air Pollution Control Board**

**May 20, 2020**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on May 20, 2020, via video teleconference due to the COVID-19 outbreak, at 10:17 a.m., by the Chairman, Carl Hilton. Other Board members present were: Vice Chairman Steve Sullivan; Dr. Geoffrey Cobourn, Dr. Josephine Mei; and Kandice Shobe-White. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present via teleconference: Keith Talley, Rachael Hamilton, Steven Gravatte, Tom Nord, Matt King, Michelle King, Billy DeWitt, Byron Gary, Chris Gerstle, Shannon Hosey, Aaron DeWitt, Bryan Paris, Andy Purdon, Cherri Steiner, Rick Williams, Torend Collins, Andrea Cooley, Karen Thorne, Kevin Klesta, Craig Butler, and Starlet Raj. Assistant County Attorneys Stacy Fritze Dott and Susan Ely, and County Attorney staff member Tammy Gartland also attended via video teleconference.

The following guests also attended via video teleconference: Brandan Burfict, LG&E-KU; De’Nita Wright, Neighborhood Place Council; Maria Gurren, Louisville Metro Criminal Justice Commission; Greg Dutton, Frost, Brown, Todd; Councilwoman Nicole George, District 21; Rebecca Cash, LG&E-KU; Andrew Brotzge, Kentucky Paint Council; Jennifer Cave, Stites & Harbison; Kelly Bartley, Dentons; Amy Lint, Highlands Environmental; Susan Clark, Lubrizol; Aaron Benson, Ford; Joe Weis, Clariant; Cheryl Fisher, Accord Advising; Arnita Gadson, WJCCTF; Abby Long, Heaven Hill Distilleries; Jennifer Edwards, Clariant; Stewart McCollam, Smith Management Group; Amanda Dant, Carbide Industries; and Rachel Nally, Heaven Hill Distilleries.

**Approval of Minutes**

The minutes of the public hearing, regular Board meeting, and Policy Committee meeting held on April 15, 2020, were approved with no corrections.

**New Business**

**1. Regulation 1.06 *Source Self-Monitoring, Emissions Inventory Development and Reporting, Version 10, Draft 1***

Mr. Byron Gary recommended on behalf of the District that the Board adopt amendments to Regulation 1.06.

**Motion:** Mr. Steve Sullivan moved to adopt the amendments. The motion was seconded and passed unanimously.

**2. Proposed Agreed Board Orders 20-01 and 20-02 with Clariant Corporation**

Mr. Steven Gravatte recommended on behalf of the District that the Board adopt Agreed Board Orders 20-01 and 20-02 with Clariant Corporation.

**Motion:** Dr. Geoffrey Cobourn moved to adopt the Orders. The motion was seconded and passed unanimously.

## Staff Reports

### A. Director

Mr. Keith Talley, Director, announced that U.S. EPA recently proposed approving the District's partial SO<sub>2</sub> non-attainment redesignation request. The proposed approval was published in the Federal Register on May 15, 2020. The 30-day comment period will end on June 15, 2020. At the time it is finalized, Louisville will be in attainment for all the NAAQS except for ozone.

Mr. Talley recognized and thanked the District's air monitoring staff for timely completion and submittal of the District's 2019 Data Certification for criteria pollutant data to U.S. EPA under less than ideal conditions due to COVID-19 telework conditions. This is a monumental amount of detailed work under the best of circumstances and APCD's air monitoring staff are to be commended for their outstanding work. U.S. EPA has subsequently received and reviewed the data and concurred with the District's assessment of the data.

Mr. Talley announced that in late 2019, U.S. EPA Region 4's Air Office began looking for five or six state or local agencies to partner on a project to install air sensor co-location shelters at existing air monitoring sites. The concept of the project is that the agency could give interested members of the public, including citizen scientists, researchers, students, or community groups, access to a co-located shelter that is adjacent to or nearby an existing air monitoring site. Members of the public could then install their air sensors in the co-located shelter and compare the data they collect to the data from the District's regulatory monitors. The District submitted a proposal that highlighted the air monitoring site at Cannons Lane as well as the variety of partnerships in which it is already engaged, including its work on leading edge technology, and its résumé of sensor work with both the community and U.S. EPA Office of Research and Development (ORD). The District has been chosen as a partner agency, and U.S. EPA will be sending a co-location shelter for installation at the Cannons Lane site in the near future.

Mr. Talley informed the Board that the District recently acquired ten particulate matter sensor packages that it will begin testing in the near future. These sensors are easily deployable and utilize solar power which provides flexibility and mobility in siting them in various environments. The District will be developing projects for these units to collect data in the community and increase understanding of sensor data, particularly in relation to regulatory monitor data, and ambient air conditions in the community.

Mr. Talley provided an update to the Board on Metro Government and the District's continuing work during the COVID 19 pandemic, including the District's ongoing air monitoring, compliance, permitting, outreach, and policy development work. Mr. Tally also reported that the District's collaborative work with U.S. EPA and Department of Air Quality has continued. In late April, the District participated in virtual meetings with the Association of Air Pollution Control Agencies (AAPCA) on topics that encompass modeling, monitoring, technical updates, NAAQS/SIP planning, permitting, and other air quality planning updates. District staff also attended on May 18 – 19, the National Association of Clean Air Agencies' (NACAA) virtual Spring 2020 Conference.

Mr. Talley announced that the District is preparing to publish an Advanced Notice of Proposed Rulemaking (ANPR) for the Risk Management Plan (RMP) program. The RMP program is established by section 112(r) of the Clean Air Act, which establishes rules requiring facilities that use extremely hazardous substances to develop a Risk Management Plan which:

- identifies the potential effects of a chemical accident;
- identifies steps the facility is taking to prevent an accident; and
- spells out emergency response procedures should an accident occur.

Mr. Talley reminded the Board that EPA implements the RMP program in most of the nation. APCD is one of the few state or local air agencies that continues to implement the RMP program. The risk present in the Rubbertown community and other impacted areas supports the District's decision to retain delegation of the RMP program at the local level. Recently, the Trump administration finalized some amendments to the RMP program. Some of the amendments rescinded elements adopted by the Obama administration that some felt strengthened the RMP program by ensuring that information regarding chemical safety and accidents is available to communities most at risk - a paramount consideration of the RMP program. As the basis for its decision, EPA explained "that such levels of government oversight, in conjunction with a rigorous safety management program, can prevent serious accidents. But this level of oversight is very expensive, and not feasible at facilities regulated by the RMP rule on a national basis." State and local programs like the District's play a special role under the Clean Air Act and are charged with adopting programs to address issues of local concern. To that end, the District is utilizing the ANPR to initiate a community conversation and input to discuss the proposed changes and what works best for Louisville, including whether implementation of equivalent requirements may be more practical and beneficial on a local level.

Given that the historical level of concern about RMP facilities has been amplified by concerns that COVID-19 could impact facility operations and preparedness, this is an optimal time for us to take comment on the District's RMP program and to outline the changes that were adopted by the Trump administration as well as those that had been adopted by the Obama administration and determine those that may be most appropriate for local adoption by the District. Mr. Talley added that, based on the federal rulemaking, positions will be strong and may present diametrically opposed views from opponents and proponents alike. The District, if necessary, is uniquely positioned because, while it cannot be less stringent than state and federal regulations, it can be more stringent where appropriate to address local issues of concern. The Strategic Toxic Air Reduction (STAR) program is a good example of this. RMP may be another example. Mr. Talley stressed that this is a conversation that needs to take place and voices from both sides need to be heard before any decision is made.

To that end, the ANPR provides an opportunity for early consideration of a potential regulatory action before the District has proposed a particular regulatory change. The ANPR will include a 90-day public comment period during which the District will receive comments on the subject matter of the ANPR and hold at least two public meetings during which the RMP program, the recent federal amendments and rescinded provisions, and other related subjects can be reviewed and discussed. If regulatory changes are eventually proposed, the specific language of such changes will be issued through a formal rulemaking that will include public notice and comment and a public hearing.

Mr. Talley informed the Board that the District continues to monitor and analyze ambient air quality concentrations during the economic and social slow down related to the pandemic. The District has not seen any of the significant reductions that other larger cities have experienced internationally and nationally. This is due primarily to the lower level of the pollutants in our community. The District will look at recent changes and conduct the appropriate analysis of any reductions, taking into account

the impact of meteorology and other influencing factors. Once an analysis is complete, the District will present its findings at a future board meeting.

Mr. Talley informed the Board that an early study conducted by the Helsinki-based Centre for Research on Energy and Clean Air indicates that as China has relaxed or removed its lock-down requirements, average levels of pollutants have rebounded to or passed pre-shutdown levels.

Mr. Talley announced that the next Clearing the Air workshop will be held Tuesday, May 26, 2020, from 6:00 p.m. to 7:30 p.m. and will be conducted via WebEx. Mr. Talley encouraged the public to participate in this workshop, "*Louisville's Air Quality and Your Health*," and learn more about the relationship between the air quality and its impact on health. The workshop may be attended virtually going to the District webpage under the "Clearing the Air Workshop Series" heading and clicking on the "[attending the workshop via WebEx](#)" link for the May 26 event.

Mr. Talley informed the Board that a newer version of the *Smell My City* App, which has become an important tool that allows citizens to report odors to the District, is available for downloading. Some people are still using an older version of the app that does not adequately communicate location, which hinders investigations, and does not show up on the visualization map provided by the App's developer. Mr. Talley encouraged the public to update their *Smell My City* App to the newer version for best performance.

Mr. Talley informed the Board that, on May 18, Louisville Metro implemented a phased reopening of Metro offices and facilities primarily for services that have been stopped or hindered by teleworking. Metro HR has established new guidelines for staff returning to the office environment, requiring sign-in, answering current health assessment questions, and checking temperatures. Louisville Metro directed that agencies and services having the ability to telework, should continue to do so; therefore, the District will continue with its current teleworking protocol and incorporate the new guidelines for its limited staff who come into the office.

Mr. Talley updated the Board on the District's proposed budget which is scheduled to go before Metro Council on June 8. The District budget will not be presented separately but in conjunction with Louisville Forward. Budget presentations are occurring via teleconference, and required District staff will be available via WebEx should Metro Council have any budget questions.

Mr. Talley reported that Mayor Fischer, in a Facebook live event on Earth Day, April 22<sup>nd</sup>, released Louisville's *Greenhouse Gas Emissions Reductions* and *Prepare Louisville Climate Adaptation* plans, both of which will reduce Louisville's contribution to climate change and increase resilience to extreme weather events and other climate change impacts. Mr. Talley praised Michelle King, Executive Administrator and Director of Program Planning, who gave a presentation on related air quality issues and promoted the Clearing the Air Workshop.

Mr. Talley announced that Ryan Van Velzer, environmental reporter for WFPL, won an Edward R. Murrow Award for his 2019 Rubbertown series that accurately portrayed the complexity of reducing air pollution while still allowing key industries to function.

Mr. Talley informed the Board that he met with Metro Council members David James and communicated with Council Members Keisha Dorsey and Jessica Green to notify them that the District is continuing to perform its operational duties, including addressing concerns from the Shelby Park neighborhood. The air is still being monitored, permits written, community investigations for odor, dust, and open burns conducted, and compliance and enforcement taken as needed. Regarding a concern that the Rubbertown facilities might be compromised during the pandemic, Mr. Talley has assured the Council members and members of the community that no permit conditions or emission

limits have been altered or waived. The only discretion provided by the District, as stated at the March Board meeting, was extending the deadline to submit Emissions Inventory and Annual Compliance Certification submittals from April 15, 2020, to May 15, 2020, due to COVID-19. Separately, several of the Rubbertown companies outlined the steps, precautions and preparedness protocols they were undertaking during the pandemic in the Rubbertown Community Advisory Council (RCAC) newsletter. This information was also provided to Metro Council members. The District is also working to schedule and conduct public meetings or public hearings to address issues of concern to the Shelby Park community and to the California community, respectively. Mr. Talley stated that he will keep the Board updated.

Mr. Talley reported that Air Quality Awareness Week, which was held from May 4, 2020, through May 8, 2020, was a perfect opportunity for the District to highlight various aspects of air quality to the general public. Due to the inability to hold public gatherings, the District utilized all manner of social media communications to get its messages out to the public and provide information related to the topics that were scheduled to be highlighted each day of the week:

- Monday – Wildfires & Smoke
- Tuesday - Asthma & Your Health
- Wednesday – Where’s Your AQI Coming From?
- Thursday – Air Quality Around the World, and
- Friday – Air Quality Educational Resources for Families and Teachers.

Mr. Talley commended the District’s outreach and communication staff for its good work and excellent messaging, which resulted in an increase over April in the number of May followers for Twitter and the KAIRE program and included many retweets from multiple points.

Mr. Talley commended all District staff for continuing the work of the District with a high level of efficiency and competence as well as the staff’s hard work, flexibility, and adaptability during the pandemic.

**B. Air Quality Report**

The air quality monitoring report was submitted for filing. A copy is attached to the original minutes.

**C. Enforcement Status Report**

The enforcement status report was submitted for filing. A copy is attached to the original minutes.

**D. Excess Emission Event Report**

The excess emission event report was submitted for filing. A copy is attached to the original minutes.

**E. Complaint Investigation Status Summary**

The complaint investigation status summary was submitted for filing. A copy is attached to the original minutes.

Chairman Hilton asked for clarification on the extension for companies to file the Annual Compliance Certification submittals. Mr. Talley confirmed that the District extended the filing date from April 15, 2020, to May 15, 2020, due to COVID-19.

Dr. Cobourn commented that the air quality report levels seemed fairly low but not remarkably low. He added that he is curious to see how the pandemic affects the numbers. Chairman Hilton commented that the District told him previously that most of the Rubbertown companies were still operating through the pandemic.

Chairman Hilton noted that he had been asked to have the District explain about the difference between a public meeting and public hearing. Ms. Rachael Hamilton, Assistant Director, explained that a public meeting is a more informal meeting where the public may ask questions. A public meeting is a place where a project can be discussed. When the District holds a public hearing, typically for an agreed board order, a regulatory program, or on a permit, it's a formal action where the District is taking public comment. The big distinction between the two is that public hearings are formal and allow for public comment while public meetings are informal where participants may have a discussion about a proposed action. Ms. Stacy Dott, Assistant County Attorney, added that public hearings are required by District regulations for certain events which also create a formal record.

Chairman Hilton asked the District if an Agreed Board Order usually includes a monetary penalty. Ms. Hamilton stated that civil penalties over \$5,000 are approved by the Board in Agreed Board Orders. These differ from an Enforceable Board Agreement like the one with Louisville Gas & Electric that was brought before the Board in April, which does not allege a violation of the District's regulations.

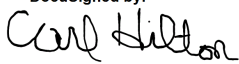
Mr. Talley stated, in reference to Dr. Cobourn's earlier comment on the air quality report data, that the District's Air Monitoring staff is analyzing the data to determine if we can attribute any changes in air quality to the pandemic shutdown with regard to mobile and stationary sources. He added that air monitoring staff has been studying the data since the beginning of the pandemic and noticed other meteorological influencing factors. Once they complete an evaluation of the data, the District will update the Board.

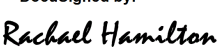
### Next Meeting

The next Board meeting is scheduled for Wednesday, June 17, 2020, via video teleconference due to COVID-19, at 10:00 a.m.

### Adjourn

The meeting was adjourned at 10:51 a.m.

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Carl E. Hilton  
Chairman

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Rachael Hamilton  
Secretary-Treasurer

**Minutes  
Public Hearing  
of the  
Louisville Metro Air Pollution Control Board**

**May 20, 2020**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on May 20, 2020, at 10:00 a.m., via video teleconference due to the COVID-19 outbreak, by the Chairman, Carl Hilton. Other Board members present were: Vice Chairman Steve Sullivan, Dr. Geoffrey Cobourn, Dr. Josephine Mei, and Kandice Shobe-White.

**General Statement, Rules and Purpose**

The Chairman read the opening announcements, rules and purpose of the public hearing, which was to review the following matters:

**1. Regulation 1.06, Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting, Version 10**

Mr. Byron Gary, Regulatory Coordinator, asked the Board to consider and adopt amendments to Regulation 1.06, which are necessary due to the area's designation in 2018 by U.S. EPA as Marginal Nonattainment for the 2015 Ozone National Ambient Air Quality Standards. Pursuant to the Clean Air Act, all nonattainment areas must require all sources of ozone precursors Nitrogen Oxides, or NO<sub>x</sub>, and Volatile Organic Compounds, or VOCs, to report emissions to the District. The only exemption allowed is for sources emitting less than 25 tons of each when taken by itself. This requirement is contained in a new proposed Section 6 to the regulation. Other changes include a new provision in Section 3 allowing the District to request any additional information required such as monthly production and throughput data which may be needed to verify emissions and calculate additional measures, including tons per ozone season day emissions, required by U.S. EPA. Other minor conforming amendments were proposed as well. The District recommended the Board adopt the regulation as proposed.

**Statements**

There were no public statements. Written comments from U.S. EPA, Greater Louisville, Inc. (GLI), and the Kentucky Paint Council are addressed in a comment-response document distributed to all Board members and posted publicly to the District website on May 19, 2020.

Chairman Hilton inquired as to whether a new section number was added to Regulation 1. Mr. Gary responded that the original Section 6 would become Section 7 with the new amendment being Section 6.

**2. Agreed Board Orders 20-01 and 20-02 with Clariant Corporation**

Mr. Steven Gravatte, Compliance and Enforcement Manager, asked the Board to consider and adopt proposed Agreed Board Orders 20-01 and 20-02 with Clariant Corporation which operates two specialty chemical plants pursuant to a Title V permit, one in the city's Park Hill neighborhood and another on Crittenden Drive near the Louisville Muhammad Ali International Airport. The District alleges that Clariant failed to perform stack tests at each of these plants as required in their respective Title V permits. On September 30, 2019, the District completed a full compliance evaluation for Clariant's South Plant. During the review, the District discovered that Clariant failed to perform a required stack test on the representative control equipment during the five-year permit term that ended in April of 2019. A similar



review for the West plant determined that the required testing had not been performed during the permit term that ended in July of 2019 for that facility.

The control devices requiring testing are for particulate matter, which includes metal hazardous air pollutants and toxic air contaminants. Since receiving the Notices of Violation in late 2019, Clariant has been working to update emissions calculations and submit plans to test. They have selected a testing company and plan to have the testing conducted this summer. Clariant has agreed to pay penalties of \$45,000 dollars for the South Plant and \$40,500 dollars for the West Plant to resolve these Notices of Violation. The District recommended the Board adopt the Orders as proposed.

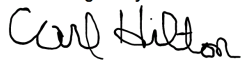
Vice Chairman Sullivan asked how often was Clariant required to perform stack testing during the permit period. Mr. Gravatte responded that Clariant has a multitude of similar equipment and was required to test each of the representative devices once during the 5-year period, but failed to test any of the devices.

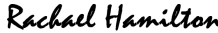
**Statements**

There were no public statements.

**Adjourn**

The meeting was adjourned at 10:17 a.m.

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Carl E. Hilton  
Chairman

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Rachael Hamilton  
Secretary-Treasurer



# LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT

## COMMENTS & RESPONSES

### REGULATION 1.06, VERSION 10, DRAFT 01

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**Public Comment Period** The following comments were received during the public comment period.

**Comment:** The changes to Regulation 1.06 accurately exempt sources that emit less than 25 tons per year of oxides of nitrogen (NO<sub>x</sub>) or volatile organic compounds (VOC) from submitting an emission statement pursuant to Clean Air Act section 182(a)(3)(B). However, the first full paragraph on page 2 of the accompanying Preliminary Regulation Impact Assessment indicates that the exemption would apply to sources that emit 25 tons or less. The U.S. Environmental Protection Agency recommends revising the Preliminary Regulation Impact Assessment to match the regulation revision and correctly state that the exemption is for sources that emit less than 25 tons per year of NO<sub>x</sub> or VOC.

- *Lynorae Benjamin, Acting Chief, Air Planning and Implementation Branch, U.S. EPA Region 4*

**Response:** The District agrees, and the final Regulatory Impact Assessment has been amended to reflect the suggestion.

**Comment:** In order to more clearly communicate the requirements and exemption thresholds provided by the District in Section 6 of Regulation 1.06v10, GLE EEC proposes language revisions shown in **BLUE FONT** below. The proposed revisions remove duplicative reporting requirements for sources subject to District Regulation 2.16 and eliminate conflicting exemption language for reporting ozone precursor emissions in Section 4.2 and Section 6.2 of Regulation 1.06v10 (e.g., a stationary source subject to Regulation 2.16 with actual emissions < 25 tons VOC/yr and < 25 tons NO<sub>x</sub>/yr is not exempt from reporting ozone precursor emissions).

#### **SECTION 6 Emissions Statements for Ozone Precursors**

- 6.1 On or before April 15 of each year, stationary sources subject to Regulation 2.03 or 2.17 which emit ozone precursor emissions of volatile organic compounds or oxides of nitrogen shall submit to the District a statement of actual emissions of ozone precursor emissions for the previous calendar year of operation. The Emissions Statement submitted under Section 4.3 may be used to satisfy the requirements of this section.
- 6.2 Exemptions from this section:
  - 6.2.1 Facilities with plant-wide actual emissions less than 25 tons per year of oxides of nitrogen and less than 25 tons per year of volatile organic compounds are exempted from this requirement. The District may require sources claiming this exemption to provide adequate information to verify actual emissions for the previous calendar year.
  - 6.2.2 The District may waive this requirement for sources located in an area designated as attainment or maintenance by U.S. EPA for all National Ambient Air Quality Standards (NAAQS) for ozone.

- *Jennifer Cave, Chair, GLE Energy and Environment Committee; Member, Stites & Harbison PLLC*

**Response:** The requirement to report ozone precursors is an independent requirement of all sources emitting greater than 25 tons per year of either oxides of nitrogen (NO<sub>x</sub>) or volatile organic compounds (VOCs), required by the recent designation of the Louisville area as marginal nonattainment for the 2015 ozone National Ambient Air Quality Standard (NAAQS), and section 182 of the Clean Air Act. The commenter is correct that sources exempt pursuant to new Section 6.2.1 may still be required

to report pursuant to Section 4, and that the statements already required by Section 4 may be used to satisfy the new requirement in Section 6, the two requirements are independent of one another, which satisfy separate legal requirements under the Clean Air Act.

**Comment:** The GLI EEC suggests adding a new subsection to Section 4, Section 5, and Section 6 of Regulation 1.06v10 stating that the District, at its discretion, may delay the submission deadline of emission statements for 30, 60, or 90 days after April 15<sup>th</sup>, but in no circumstance will the District require stationary sources to report actual emissions for the prior calendar year before April 15<sup>th</sup>.

- *Jennifer Cave, Chair, GLI Energy and Environment Committee; Member, Stites & Harbison PLLC*

**Response:** Given the current situation the District appreciates the concern that it have the discretion to delay the reporting requirement. However, as demonstrated with the delay in reporting requirements this year, the District believes it already has this discretion.

**Comment:** First, the new Section 3.4 states, "The District may require such additional information be submitted as necessary." This section is open-ended and overly broad. More information requires additional time and expense. Open-ended requests also increase the burden of compliance and, in most cases, do little to improve the environment. Additional information in this section should be restricted to clarifying a source's submission.

- *Kentucky Paint Council*

**Response:** The District appreciates the concern regarding additional information requiring additional time and expense, and intends to request only information necessary to verify emissions, or emission rates over different time periods, such as monthly throughput or production information as stated in the Regulatory Impact Assessment. This is information which may be required by U.S. EPA for the District to report emissions in the form of tons per ozone season day. *See, e.g.,* Office of Air Quality and Planning Standards, Office of Air and Radiation, U.S. Environmental Protection Agency, *Guidance on the Implementation of an Emission Statement Program* (1992), available at <https://www.epa.gov/air-emissions-inventories/implementation-emission-statement-program>. Furthermore, in general, any information requested should be information already required to be kept by current recordkeeping requirements. The District also notes that for small companies which may have the most difficulty fulfilling reporting requirements the District does maintain a Small Business Compliance Assistance Program, with a dedicated full time staff member who may be able to assist. Any facility that is uncertain of how to fulfill reporting requirements should reach out to the District. Finally, the District notes that a similarly broad power is already granted to the Air Pollution Control Officers pursuant to [KRS 77.215](#).

**Comment:** With regards to Section 6.2.1, our understanding is that this exemption would **NOT** apply to sources with more than 25 tons per year of volatile organic compound (VOC) emissions **OR** more than 25 tons per year of oxides of nitrogen (NOx) emissions. In other words, facilities with combined emissions of more than 25 tons per year of VOCs and

NOx would still be exempt if they did not exceed the 25 tons per year individual threshold for NOx **OR** the 25 tons per year individual threshold for VOCs. KPC requests a clarification of Section 6.2.1.

- *Kentucky Paint Council*

**Response:** The commenter is correct in their understanding of the exemption in section 6.2.1. Combined emissions exceeding 25 tpy do not prevent a source from being exempt, so long as actual emissions of neither pollutant when taken alone exceeds 25 tpy.