

# LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

## Frequently Asked Questions Public Hearings for Agreed Board Orders – NO<sub>x</sub>/VOC RACT

### **What is the purpose of a public hearing on a NO<sub>x</sub>/VOC RACT Plan ABO?**

This public hearing is an opportunity to comment on the Air Pollution Control Board's Agreed Board Order (ABO) to approve an amended version of a site-specific NO<sub>x</sub>/VOC RACT Plan into the Jefferson County portion of the Kentucky State Implementation Plan (SIP).

### **What is a NO<sub>x</sub>/VOC RACT Plan?**

District Regulation 6.42, *Reasonably Available Control Technology Requirements for Major Volatile Organic Compound- and Nitrogen Oxides-Emitting Facilities*, requires certain affected facilities that emit volatile organic compounds (VOCs) and oxides of nitrogen to establish and implement a reasonably available control technology (RACT) plan to control these emissions based on a case-by-case determination from the District. District Regulation 1.66 defines RACT as, "devices, systems, process modifications, or other apparatus or techniques, including pollution prevention approaches, that are reasonably available taking into account the necessity of imposing those controls in order to attain and maintain a national ambient air quality standard and the social, environmental, and economic impact of those controls."

### **What is a State Implementation Plan (SIP)?**

The SIP is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and enforce the National Ambient Air Quality Standards, or NAAQS, and to fulfill other requirements of the Clean Air Act.

### **What is the purpose of a NO<sub>x</sub>/VOC RACT ABO? How does this differ from an enforcement ABO?**

It incorporates the District's case-by-case determination of RACT as required by District Regulation 6.42, which, if approved by the Board, is sent to US EPA for approval into the SIP as a federally enforceable requirement.

This is different than an enforcement action, in which an ABO is a generally agreed-upon resolution between the District and a responsible party that settles violations alleged in a Notice of Violation (NOV), rather than pursuing litigation. In that situation, the ABO typically includes a monetary penalty and may also specify corrective actions to be taken to ensure continued compliance with the law.

### **What is the District's role at a public hearing for a NO<sub>x</sub>/VOC RACT ABO?**

The District will summarize the VOC/NO<sub>x</sub> RACT Plan in a presentation to the Board and recommend that the Board adopt the proposed ABO based on the case-by-case provisions in District Regulation 6.42.

### **What is the Board's role at a public hearing for a NO<sub>x</sub>/VOC RACT ABO?**

The Board is responsible for reviewing all ABOs. Following the District's presentation, the Board will offer the public an opportunity to make comments on the ABO. At the end, the Board will close the public hearing. A decision by the Board on whether to adopt the ABO will be made as part of the "New Business" portion of the Board's regular meeting agenda. Typically, a public hearing for an ABO is held right before the Board's regular monthly meeting.

### **What is the public's role at a public hearing for a NO<sub>x</sub>/VOC RACT ABO?**

The public comment process is a way for the public to raise any issues, questions, or concerns regarding the RACT determination incorporated into the ABO. Your voice is important to the Board and your comments will become an official part of the hearing record.

**How does this "public hearing" differ from a "public meeting"?**

A "public hearing" on an ABO is a place to submit comments on the record on a specific Order that becomes a legally enforceable condition. A "public meeting" is typically less formal and may include an opportunity for questions and discussion about various topics related to the District's work.

**Where can I find past ABOs?**

All ABOs back to 1999 are kept on our [Board Orders and Agreements](#) website page. Additional documents may be requested through Open Records

