

A GUIDE TO THE AIR POLLUTION PERMITTING PROCESS IN LOUISVILLE

AIR
POLLUTION
CONTROL
DISTRICT



WHAT IS A PERMIT?

In the United States, air pollution from industrial and commercial facilities is limited by the Clean Air Act, as well as state and local laws. Locally, those limits are enforced via permits issued by the Louisville Metro Air Pollution Control District.

An air pollution permit can be hundreds of pages in length. It details a facility's operations and the air pollution control devices it uses, as well as the specific emissions limits on the facility. Failure to operate according to this permit can result in fines, criminal penalties, and/or shutdown.

The APCD must issue a permit to a facility if: **①** It will meet emission limitations, **②** It will neither cause nor worsen a violation of an air quality standard or ambient air increment, and **③** It will not prevent the construction or operation of any other facility or facilities in the area.

You have a right to participate in the process when a facility first applies for an air pollution permit to construct and operate, and when it seeks a renewal or change to that permit.

BECOME INVOLVED

You can play an important role as permits are considered for approval. The APCD announces pending permit decisions several ways, including newspaper legal notices, website postings, and electronic mailing lists.

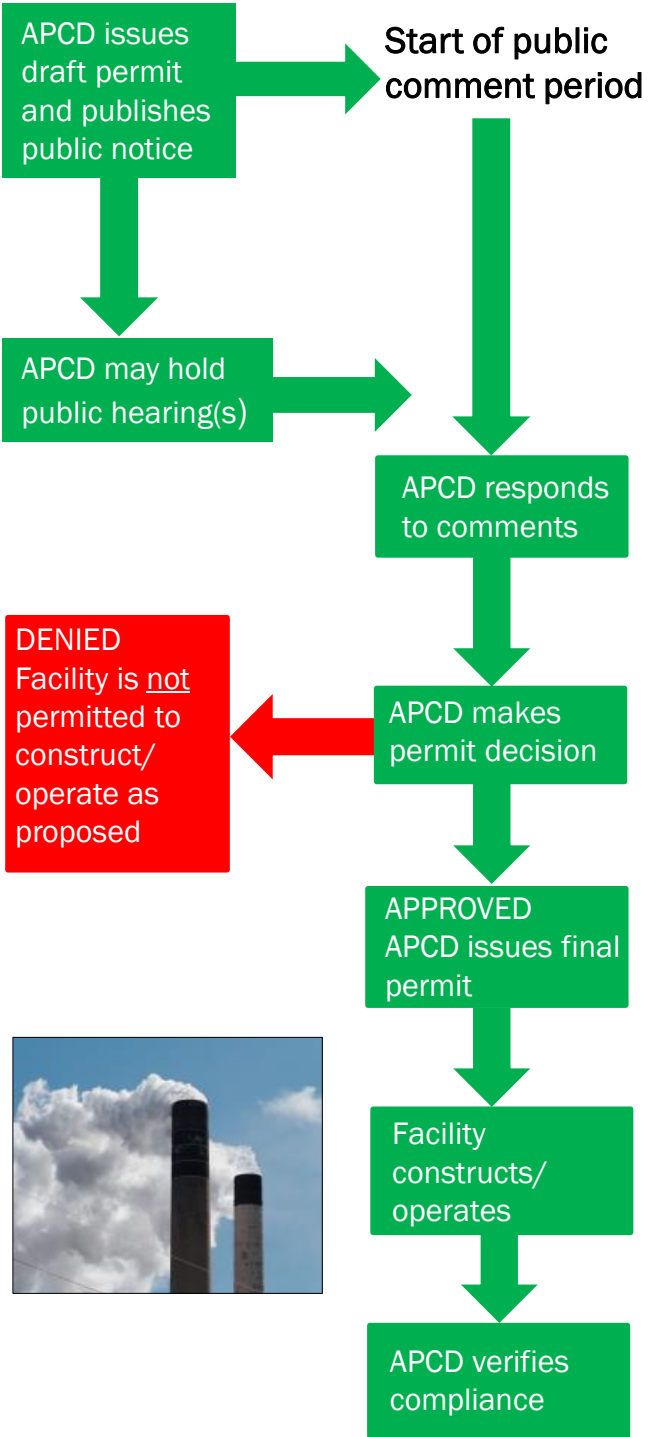
Public notices usually include a specific time period (such as a 30-day public comment period) during which you can submit comments to the APCD about a draft permit.

The APCD sometimes holds public hearings as part of the public comment process. Comment periods and public hearings are opportunities for the public to offer information to the APCD regarding local conditions or the draft permit.

WHAT IS A COMMENT?

A comment is a statement offered for the record about a proposed permit. Anyone can offer one during the comment period(s). It can be in writing and/or given verbally at a public meeting or hearing.

STEPS IN THE AIR POLLUTION PERMITTING PROCESS



YOUR INPUT MATTERS

Even if you don't have a high level of technical and legal expertise, your voice is vital to the permitting process. Air pollution affects everyone in our community, and the APCD is committed to making this process open and transparent.

The law requires the APCD to issue a permit if certain legal conditions are met. Much like your driver's license, if a facility can demonstrate that it will operate in a safe, responsible manner, it will be granted its permit.

The public comment process is a way for you to review the proposed permit and raise issues and concerns that you believe the APCD may have not fully considered, such as:

- The draft permit contains technical inaccuracies, or fails to address all significant emission sources covered in the application.
- The permit fails to include all local, state, and federal air pollution requirements.
- The monitoring of air pollution emissions or emission control device operations is insufficient.
- Concerns about case-by-case determinations, such as best available control technology (BACT), lowest achievable emission rate (LAER), and toxics-best available technology (T-BAT).

The APCD can only reject a permit based on federal, state, and local air pollution laws and regulations. Thus, some areas of comment cannot be considered, including:

- Items not required by law.
- Noise, traffic, lighting, hours of operation (unless necessary to meet a pollution limit), or whether the facility is sited in a proper location.
- Indoor air pollution.
- Emission sources at an existing facility that are not covered in the permit under review.

PUBLIC HEARING VS. PUBLIC MEETING

At a "public hearing," the APCD will summarize the permit and its review of the application. You can offer comments orally or in writing, but there is no discussion of the comments at that time. The APCD will compile all the comments and respond to each one when the permit is approved or denied. A "public meeting" is a less formal place for you to discuss air pollution concerns.

REQUEST A PUBLIC HEARING

Within 30 days after the APCD gives notice of a draft permit, you may request a public hearing by submitting a written request to the APCD. The APCD will hold a public hearing if it deems that there is significant public interest.

RESPONDING TO COMMENTS

The APCD will answer, in writing, all comments received during a public comment period via a “Response to Comments” document.

INSPECTIONS AND REPORTING

To ensure compliance with an air pollution permit, the APCD inspects facilities periodically. In addition, facilities must submit periodic reports. These reports may include:

- Results of monitoring required by permits.
- An annual compliance certification with the terms and conditions of the permit.
- A report on the facility’s emissions.
- Other reports specifically required in the permit.

APPEAL RIGHTS

All APCD permitting decisions can be appealed, by both the public and/or the affected facility pursuant to APCD Regulation 1.18.

STAY INFORMED

Public notices about permits are posted on the APCD website, www.louisvilleky.gov/APCD. You can also sign up to receive email notifications about APCD permitting actions, as well as other actions and events, at the APCD website or by calling (502) 574-6000.

Proposed permits are available for public review at the “Proposed Actions” section of the APCD website. You can also come to the APCD offices and review past, present, and proposed air pollution permits.

Under the open records law, you have a right to request access to air pollution permits and other documents. Go to www.louisvilleky.gov/openrecords.

THE APCD'S MISSION

**Ensure healthy air
for breathing**

**Help local businesses meet
air quality standards**



LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT

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