

**Minutes  
Public Hearing  
of the  
Louisville Metro Air Pollution Control Board  
February 18, 2009**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order February 18, 2009, at 10:02 a.m. in the Board Room of the Louisville Metro Air Pollution Control District (District), 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell.

**General Statement, Rules and Purpose**

The Chairman read the opening announcements, rules and purpose of the Public Hearing, which was to review a proposed Agreed Board Order.

**1. Agreed Board Order with Kelley Technical Coatings, Inc.**

Ms. Phelps, Enforcement Manager, reviewed a proposed Agreed Board Order alleging that Kelley Technical Coatings violated District regulations and its permit, and directing the company to pay an administrative penalty and to take correction action. The company has agreed to the terms of the order.

Ms. Phelps said that Kelley Technical Coatings owns and operates a paint and coatings manufacturing facility pursuant to a federally enforceable District origin operating permit. The District alleges that the company failed to conduct required monitoring and recordkeeping to submit regular reports to the District and to pay its annual STAR program fee. In addition to Kelley's alleged violations, the company reported in 2005 that it had exceeded its ten ton per year limit on a single hazardous air pollutant (HAP); thereby, causing the facility to be classified as a Title V facility and requiring a Title V application and a permit. The company later reported to the District that it had over calculated its VOC and hazardous air pollutants (HAP) emissions and, in fact, they had not exceeded the HAP limit. Ms. Phelps said the company was able to demonstrate, to the District's satisfaction, that it should not be classified as a Title V facility.

Ms. Phelps stated that in the months following the issuance of a Notice of Violation, the company submitted its STAR fee and all records and reports required to demonstrate compliance with their permit. She said that following the compliance demonstration, however, the company again failed to submit a quarterly report but has agreed to submit the report by February 27, 2009, and to pay a stipulated penalty of \$1,000 for any quarterly report not submitted timely in 2009. The company has agreed to pay an administrative penalty for past violations of \$17,125.

Ms. Phelps said the District recommends that the Board adopt the Agreed Board Order as proposed.

**Discussion**

Dr. Al-Shami asked what types of chemicals were emitted from Kelley Technical Coatings and if there were specific chemicals hazardous to the respiratory system. Ms. Phelps responded that VOCs of various types were emitted in relatively small amounts.

Ms. Smith asked what the single hazardous pollutant was. Ms. Phelps stated that it was xylene, but the company did not exceed any limit.

Ms. Ruffin asked if the penalty was standard. Ms. Phelps stated the penalty was in line with other penalties assessed by the District.

### **Adjournment**

The public hearing adjourned at 10:15 a.m.

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Robert W. Powell, M.D.  
Chairman

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Joseph E. Schweinhart  
Secretary-Treasurer