

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
February 17, 2010**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on February 17, 2010, at 10:00 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Dr. Robert Powell. Other Board members present were Dr. Nadir Al-Shami, Ms. Barbara Sexton Smith, Mr. Ronald Thomas, Mr. Bill Jacob, Ms. Bonnie Biemer, and Mr. Steve Thomas. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Lauren Anderson, Rachael Hamilton, Matt Stull, Paul Aud, Terri Phelps, Cynthia Lee, Larry Garrison, Craig Butler, Erin Vachon, Michelle King, Matt King, Karen Thorne, Eva Addison, Shannon Hosey, Shane Corbin, Diana Prentice, Emily Tyler, Stephen Taylor, Steven Gravatte, Rick Williams, Stewart McCollam, Starlet Raj, Devin Cassell, and Monica Little. Also present were Assistant County Attorneys Stacy Fritze Dott, Thomas Patteson, and County Attorney staff member Tammy Brown.

The following guests were present: Tim Corrigan, GLI; Cheryl-Lynne Davis, Frost, Brown Todd; Sharon Dodson, EHS Solutions; and Paige Mosser Theriac, Theriac Environmental Consultants, Inc.

Public Recognition

Ms. Anderson announced that Michelle King was promoted to an Environmental Supervisor in the Environmental Programs and Policy department.

Approval of Minutes

The public hearing minutes and the minutes of the regular Board meeting held on January 20, 2010, were approved as written.

New Business

A. Air Quality Trust Fund

Ms. Hamilton, Secretary-Treasurer, reported that the District had identified a project for which it would like to request funding from the Air Quality Trust Fund (Fund). Ms. Hamilton then gave a brief overview of the Fund. She stated that it was established in 1994 to finance District projects that improve air quality. She also stated that as of January 30, 2010, the Fund had a balance of \$34,236.31, and that disbursements must be authorized by the Board.

Ms. Smith asked several questions related to the Fund, including how funds were acquired. Ms. Hamilton stated that some of the funds came from penalties. Ms. Hamilton stated that she would research other questions and report back to the Board.

B. Renewable Energy Project Proposal

Ms. Lee, Environmental Programs Manager, then presented information on the Renewable Energy Project Proposal, for which the funding was requested. She stated the project is designed to install equipment for solar powered generation at the Cannons Lane air monitoring site. Ms. Lee said additional funding for the project will come from a \$25,000 Air Planning Agreement (APA) grant that the District received from the EPA. She said the APA grant was amended to allow activities related to energy development and/or production. She said that EPA requires that a proposed work plan be submitted before March 31, 2010, and that additional reporting requirements are due in 2010 and 2011. Ms. Lee said that District staff member, Billy Dewitt, will collaborate with the University of Louisville staff on the project to help minimize costs with the initial design.

Motion: Mr. Thomas moved to approve a disbursement from the Air Quality Trust Fund, not to exceed the contents, to be used for a solar powered ambient air monitoring station at the Cannons Lane site.

Discussion

Ms. Biemer asked if the entire balance in the Air Quality Trust Fund was needed to subsidize the project. Ms. Lee said the estimated cost of the project is \$50,000. EPA will fund \$25,000 for the energy project through the APA grant, and approximately \$25,000 is needed from the trust fund. Also, Ms. Biemer said she understood that not all penalty fees are deposited into the trust fund. Ms. Anderson said the District decides what penalty fines are deposited into the trust fund and that most penalty fines go into a special fund.

Mr. Jacobs suggested that a maximum of \$30,000 be used from the trust fund which would leave a balance in the account. He also asked if \$30,000 would fully fund the project. Ms. Lee said she expected that \$30,000 would cover the remaining cost and she would discuss other funding options with Ms. Anderson if additional money was needed.

Mr. Jacob asked if it was possible to establish the trust fund as a 501(c)(3), since most companies will provide grant money to non-profits for environmental projects. Ms. Anderson said she will research the request and follow-up with the Board.

After discussing the approximate cost of the project and using funds from the Air Quality Trust Fund, Mr. Jacob motioned to amend the pending motion to delete the word "contents" and replace it with \$30,000.

Motion to Amend: Mr. Jacob moved to amend the pending motion to delete the word "contents" and replace it with \$30,000.

All approved. The motion to amend passed.

Main Motion as Amended: Dr. Powell then presented the main motion, as amended, to approve a disbursement from the Air Quality Trust Fund, not to exceed \$30,000, to be used for a solar powered ambient air monitoring station at the Cannons Lane site.

All approved. The main motion, as amended, passed.

Staff Reports

A. Director

Ms. Anderson said a release of chemicals occurred at the Nuplex Resins plant in early February 2010. She said the company holds a District permit and a District compliance officer was sent to the plant to investigate. The incident involved a waste water release from a cracked tank into the sewer system. Ms. Anderson said that Matt Stull, the District's Public Information Supervisor, would work with his counterpart at the Health Department to address issues that delay informing the public about environmental concerns.

Ms. Anderson reviewed a letter, dated January 28, 2010, that she sent to the Assistant Attorney General of the U.S. Department of Justice's Environmental and Natural Resources Division, regarding settlement of the Cinergy case. She noted the District's regular involvement in the case, and said she requested that the decree be modified to include the Louisville Metro Solid Waste Fleet diesel retrofit project as a mitigation project.

Ms. Anderson then presented an overview to the Board on their powers and duties which are governed by KRS Chapter 77. The overview covered information on the Board's appointment, meetings, bylaws, officers, public hearings, regulatory involvement, and adjudicatory functions.

Ms. Anderson also said District staff have begun meeting to organize the Multi-Pollutant Stakeholder Group which will be convened to review several ambient air quality standards that EPA has proposed. She said the Mayor's office and Bruce Traugher will send invitations to interested stakeholders. Ms. Anderson said the first stakeholder meeting is expected to be held in May 2010.

B. Air Quality Data

Dr. Powell said there were no exceedances of fine particulates in January 2010.

The air quality monitoring reports were submitted for filing. A copy of each report is attached to the original minutes.

C. Enforcement Status Report

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

D. Excess Emission Report

The January 2010 *Excess Emission Report* was submitted for filing. A copy is attached to the original minutes.

E. Permit Application Reports

The permit application reports were submitted for filing. A copy is attached to the original minutes.

F. Lawn Care for Cleaner Air Awards

The January 2010 *Lawn Care for Cleaner Air Award* recipients was submitted for filing. A copy is attached to the original minutes.

Next Meeting

The next regular Board meeting is scheduled for Wednesday, March 17, 2010, at 10:00 a.m.

Adjournment

The meeting was adjourned at 10:43 a.m.

Robert Powell, M.D.
Chair

Rachael Hamilton
Secretary-Treasurer