

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
March 16, 2011**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on March 16, 2011, at 10:08 a.m. in the Board room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell. Other Board members present were Ms. Barbara Sexton Smith, Mr. Ronald Thomas, Ms. Bonnie Biemer, Mr. Bill Jacob, and Mr. Steve Thomas. A quorum was present.

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

The following guests were present: Paul Bowe, Marcus Paint; Rebecca Cash, LG&E and KU Energy, LLC; John Clift, Swift & Company; Dennis Conniff, Frost Brown Todd on behalf of Swift & Company; Tim Corrigan, GLI; Mike DeBusschere, KEC; Brad Dillon, GD&M; Carolyn Embry, American Lung Association; Barbara Hall, Ford-KTP; Betsy Janes, American Lung Association; Sarah Scheetz, LG&E and KU Energy, LLC; and Paige Mosser Theriac, Theriac Environmental Consultants, Inc.

### **Approval of Minutes**

The minutes of the Strategy Committee, Policy Committee, Public Hearing and Board meeting held on February 16, 2011, were approved as written.

### **New Business**

#### **A. Agreed Board Order Swift & Company**

Ms. Phelps said the District recommended adoption of the Agreed Board Order with Swift & Company, as proposed.

**Motion:** Mr. Ron Thomas moved to adopt the Agreed Board Order with Swift & Company, as proposed.

The motion passed unanimously.

### **Committee Report**

#### **A. Policy Committee**

Mr. Ron Thomas reported that the Policy Committee met February 16, 2011, immediately following the District Board meeting. The committee reviewed draft amendments to Regulation 1.15 *Version of Federal Regulations Adopted and Incorporated by Reference*, and Regulation 7.02 *Adoption and Incorporation by Reference of Federal New Source Performance Standards*. The draft amendments will

update the District regulations to be consistent with federal regulations. The Policy Committee approved releasing the draft regulations for a 30-day public comment period.

## **Staff Reports**

### **A. Director**

Ms. Anderson said Jim Bruggers, the environmental reporter with *The Courier-Journal*, recently asked if the District monitored or measured radiation. Ms. Anderson replied that the District monitors radiation at the Cannons Lane location using RadNet equipment.

Ms. Anderson reported on national news that affects the District. She said EPA is being challenged on climate change issues by the House Committee on Energy and Commerce. EPA released a proposed standard on 3/16/11 for maximum achievable control technology (Utility MACT) to regulate toxic pollution from generating stations. Also, a federal proposal was made to reduce EPA's budget by one-third. Ms. Anderson said that EPA released the national scale air toxics risk assessment which was based on 2005 emissions inventory data and modeling. She said that three Jefferson County locations (possibly schools) were listed in the report and the data was obtained before the STAR program was implemented in 2005.

Ms. Biemer asked if the District collaborated with JCPS about the location of new schools where pollution may be high. Ms. Anderson said the District had not worked with JCPS on this issue but would consider the idea. Also, she said EPA's current concern is where existing schools are located.

At the state level, Ms. Anderson reported that the Kentucky General Assembly adjourned on March 9, 2011, sine die and that the proposed bills encouraging energy conservation and regulation of coal ash, which were of interest to the District, did not move past the committee level.

On the local level, Ms. Anderson reported that the District has a vacant Executive Administrator position and two of the four Compliance Officer positions are vacant. Ms. Anderson said Ellie Shipley, Business Manager for Economic Development, retired on March 11, 2011. Ms. Anderson will update the Board on recruitment efforts at the April 2011 Board meeting.

Ms. Anderson announced that Dr. Powell will chair a public hearing on the Title V Operating Permit Renewal for Nuplex Resins on April 13, 2011, 1:00 p.m. at Memorial Auditorium. The Nuplex public hearing is being held pursuant to District Regulation 2.07 because there was substantial public interest.

Ms. Anderson said the proposed amendments to the STAR regulations have taken longer than expected to review. She said the regulations have been thoroughly reviewed and edited. Comments on the proposed STAR amendments were received from GLI's Air Toxics Task Force and the Kentucky Resource Center.

Matt Stull, Public Information Officer, attended a conference in San Diego, California recently for public communicators employed at air regulators. He said the general theme of the conference was a lack of funding for outreach efforts and proposed budget cuts that may affect the EPA AirNow network. Mr. Stull said a significant amount of time was spent discussing outreach that is free or low cost such as Facebook and Twitter. He said the District has been proactive for the past decade on several of the outreach activities discussed at the conference.

**B. Air Quality Data**

Ms. Anderson reported the ozone season began on March 1, 2011. The air quality monitoring reports were submitted for filing. A copy of the 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 February 2011 *Excess Emission Report* was submitted for filing. A copy is attached to the original minutes.

**E. Permitting Backlog Report**

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

**Next Meeting**

The next regular Board meeting is scheduled Wednesday, April 20, 2011, at 10:00 a.m.

**Adjourn**

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

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Robert W. Powell, M.D.  
Chairman

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Rachael Hamilton  
Secretary-Treasurer