

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
September 16, 2009**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on September 16, 2009, at 10:24 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Dr. Nadir Al-Shami. Other Board members present were Ms. Barbara Sexton Smith, Ms. Vanessa Ruffin, Mr. Ronald Thomas, Ms. Bonnie Biemer, and Mr. Bill Jacob. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Lauren Anderson, Joseph Schweinhart, Matt Stull, Paul Aud, Terri Phelps, Rachael Hamilton, Cynthia Lee, Larry Garrison, Eva Addison, Stephen Taylor, Steven Gravatte, Craig Butler, Shannon Clemons, Devin Cassell, Rick Williams, Michelle Stites, Erin Vachon and Monica Little. Also present were Assistant County Attorney Stacy Fritze Dott and County Attorney staff members Thomas Patteson and Tammy Brown.

The following guests were present: Ves Bennett, Ralph Avenue Recycling Center; Greg Brotzge, LCP; Eboni Cochran, REACT; Tim Corrigan, GLI; Jason Dimgoblic; Brad Dillon, GD&M; Chris Dolan, URS; Bruce Gaylord, Republic Conduit; Corinne Greenberg, KS-KY; Barbara Hall, Ford-Kentucky Truck Plant; Carl Hilton, West Jefferson County Community Task Force; Tim Hooker, LFI; Paul Howard, MACTEC; Cheryl-Lynne Patrick, Frost Brown Todd; Vince Pinnick, American Synthetic Rubber Company; Sarah Scheetz, E.ON U.S.; Pat Stallard, Stites & Harbison; Luran Sturm, Stites & Harbison; Paige Mosser Theriac, Theriac Environmental Consultants, Inc.; Joshua Wilcox; and Kathleen Wilson, LFI.

Introductions

Ms. Anderson introduced new District employees Rachael Hamilton, Regulatory Specialist; Devin Cassell, Engineer I; and Thomas Patteson, County Attorney's office.

Approval of Minutes

The minutes of the Strategy Committee meeting held on August 5, 2009, the Policy Committee meeting held on August 6, 2009, and the regular Board meeting held on August 19, 2009, were approved as written.

New Business

A. Draft proposed amendment to Regulation 2.08 Fees, Version 23, Draft 1, External – August 6, 2009

Ms. Anderson recommended that the Board table the discussion of Regulation 2.08 Fees until next month, so that the District could review the comments made at the Public Hearing by Barbara Hall, who spoke on behalf of the Ford-Kentucky Truck Plant.

B. Draft proposed amendment to Regulation 5.21 *Environmental Acceptability for Toxic Air Contaminants*, Version 4, Draft 1, External – August 5, 2009

Ms. Anderson said the District recommended that the Board adopt the amendment to Regulation 5.21 *Environmental Acceptability for Toxic Air Contaminants*, as proposed.

Motion: Ms. Smith moved to adopt the amendment to Regulation 5.21, as proposed.

The motion passed unanimously.

C. Agreed Board Order with Ralph Avenue Recycling Center LLC

Ms. Phelps said the District recommended that the Board adopt the Agreed Board Order with Ralph Avenue Recycling Center LLC, as proposed.

Motion: Mr. Jacob moved to adopt the Agreed Board Order with Ralph Avenue Recycling Center LLC, as proposed.

The motion passed unanimously.

Staff Reports

A. Director

Ms. Anderson said the District, the Department of Justice, and the EPA reached a settlement with the D.D. Williamson Company, and asked Ms. Dott to report on it. Ms. Dott reported that on August 20, 2009, the District filed a complaint in federal court against D.D. Williamson for violations of Section 112(r) of the Clean Air Act, along with a proposed Consent Decree. Ms. Dott stated that an explosion occurred at the plant in 2003, which resulted in the death of an employee and the release of a dangerous ammonia cloud in the Clifton neighborhood. Ms. Dott said that D.D. Williamson had agreed to pay \$600,000 in civil penalties to be divided equally between the United States and the District. She also stated that under the Consent Decree, D.D. Williamson is required to implement a full hazard analysis study of its operations, implement recommendations from the study, and provide professional training to key facility management.

Ms. Anderson reported that the Board's decision in the District's case against Louisville Paving Co., which was appealed to Circuit Court, was upheld. Ms. Anderson thanked the staff for their hard work on the case.

Ms. Anderson said she participated in an environmental bus tour of the West End community, which was featured in a recent article in *The Courier-Journal*.

B. Air Quality Data

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 August 2009 *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 list of this month's *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, October 21, 2009, at 10:00 a.m.

Adjournment

The meeting was adjourned at 10:37 a.m.

Dr. Nadir Al-Shami
Vice-Chairman

Joseph E. Schweinhart
Secretary-Treasurer