

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
March 16, 2007**

A public hearing of the Louisville Metro Air Pollution Control Board (Board) was called to order on March 16, 2007, at 9:08 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Dr. Karen Cassidy.

Opening Announcements

Chair Cassidy read the opening announcement, rules, and purpose of the Public Hearing, which was to review the Recommended Order in the case of Louisville Metro Air Pollution Control District v. Louisville Paving Company, Inc.

Jon Trout, Assistant Director, introduced Paul Guagliardo, Assistant County Attorney, who attended the public hearing to provide legal counsel to the Board because the assigned County Attorney staff represent the District in this case.

Recommended Order in the case of Louisville Metro Air Pollution Control District v. Louisville Paving Company, Inc.

Mr. Trout explained that the District had previously issued Notices of Violation to Louisville Paving Company. When unable to reach a settlement, the District filed a petition requesting an administrative hearing, which was held before a hearing officer. The Hearing Officer issued a report containing findings of fact, conclusions of law, and a recommended order. Louisville Paving Company filed exceptions to the Hearing Officer's report and recommended order. Following this public hearing, a special Board meeting will convene at which the Board will be asked to consider the report, recommended order, and exceptions. Mr. Trout explained that because the action taken by the Board in this case will be effected through the adoption of a final order, KRS 77.185 requires the Board to hold a public hearing. He reminded Board members that statements heard today are not sworn testimony. These statements might refer to the record of this case, but statements made today are not part of the record of this case.

Mr. Trout said that at the special Board meeting following the public hearing the District intends to recommend that the Board adopt the Hearing Officer's report and recommended order in full with the exception of a \$400 reduction in the assessed penalty, resulting in a penalty of \$41,250.

Lauren Anderson, Assistant County Attorney, provided a summary of the violations found by the Hearing Officer, which included emitting excessive amounts of particulate matter and odor; failure to comply with the 20% opacity limitation of the permit; failure to monitor, conduct recordkeeping and other permitting violations; and failure to use dust control at construction sites. Ms. Anderson stated the civil penalty was modified to \$41,250 because Louisville Paving is not liable for a \$400 assessed penalty for one of the alleged violations. She requested that the Board adopt in full the Hearing Officer's findings of fact, conclusions of law, and recommended Order, with the exception of the \$400 reduction in the assessed penalty.

Mr. Bill Dougherty presented a statement on behalf of Louisville Paving, in which he defended the company's record and integrity. Mr. Dougherty asked the Board to act in a fair and even manner in the case, and indicated that the company wants to start a new relationship with the District.

Adjournment

The public hearing adjourned at 9:44 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer