

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
April 20, 2011**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on April 20, 2011, at 10:12 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 Dr. Nadir Al-Shami, Mr. Ronald Thomas, 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, Paul Aud, Matt Stull, Terri Phelps, Cynthia Lee, Eva Addison, Larry Garrison, Matt King, Michelle King, Karen Thorne, Dr. Yiqiu Lin, Steven Gravatte, Donald Fountain, Diana Prentice, Emily Tyler, Rick Williams, Bob Wesely, Craig Butler, and Monica Little. Also present were Assistant County Attorney Stacy Fritze Dott and County Attorney staff member Tammy Brown.

The following guests were present: Andy Battjes, Brown-Forman; Paul Bowe, Marcus Paint; Dennis Conniff, Frost Brown Todd, GLI & ATTF; Tim Corrigan, GLI; Bradley Coyle, Linebach Funkhouser, Inc.; Brad Dillon, GD&M; Carolyn Embry, American Lung Association; Carol Hilton, West Jefferson County Community Task Force; Paul Howard, Terracon; Betsy Janes, American Lung Association; Joan Lindop, Sierra Club; Kathy Little, resident of Cane Run/Road Claremore Acres; Wallace McMullen, Sierra Club; Paige Mosser Theriac, Theriac Environmental Consultants, Inc.; Dan Weiss, Duke Energy; and Mark Young, Automotive Service Council of Kentucky.

Approval of Minutes

The minutes of the Public Hearing and Board meeting held on March 16, 2011, were approved as written.

Public Comment

Ms. Kathy Little, a resident and representative for the neighbors of the Claremore Acres/Cane Run Road subdivision, addressed District staff and the Board about emissions of fugitive fly ash from the LG&E Cane Run coal ash landfill. Ms. Little said the residents are very concerned about the buildup of ash on their home and property, and the health effect on their children.

New Business

A. Proposed amendments to District Regulations 1.15 *Version of Federal Regulations Adopted and Incorporated by Reference*, Version #15, Draft #1 – Proposed, February 16, 2011

Ms. Hamilton recommended on the District's behalf that the Board adopt Regulation 1.15, *Version of Federal Regulations Adopted and Incorporated by Reference*, as proposed.

Motion: Mr. Ron Thomas moved to adopt Regulation 1.15, Version 15, as proposed by the District.

The motion passed unanimously.

B. Proposed amendments to District Regulation 3.01 *Ambient Air Quality Standards*, Version #5, Draft #1 – Proposed, February 16, 2011

Ms. Hamilton recommended on the District's behalf that the Board adopt Regulation 3.01, *Ambient Air Quality Standards*, with the administrative revisions discussed in the Public Hearing on April 20, 2011.

Motion: Mr. Ron Thomas moved to adopt Regulation 3.01, Version 5, as proposed by the District.

The motion passed unanimously.

C. Proposed amendments to District Regulation 5.02 Adoption and Incorporation by Reference of National Emission Standards for Hazardous Air Pollutants, Version #18, Draft #1 – Proposed, February 16, 2011

Ms. Hamilton recommended on the District's behalf that the Board adopt Regulation 5.02, *Adoption and Incorporation by Reference of National Emission Standards for Hazardous Air Pollutants*, with the administrative revisions discussed at the Public Hearing on April 20, 2011.

Motion: Dr. Al-Shami moved to adopt Regulation 5.02, Version 18, as proposed by the District.

The motion passed unanimously.

D. Proposed amendments to District Regulation 7.02 Adoption and Incorporation by Reference of Federal New Source Performance Standards, Version #15, Draft #1 - Proposed, February 16, 2011

Ms. Hamilton recommended on the District's behalf that the Board adopt Regulation 7.02, *Adoption and Incorporation by Reference of New Source Performance Standards*, as proposed.

Motion: Dr. Al-Shami moved to adopt Regulation 7.02, Version 15, as proposed by the District.

The motion passed unanimously.

Staff Reports

A. Director

Ms. Anderson addressed the concerns of residents from the Claremore Acres/ Cane Run Road subdivisions about emissions of fugitive fly ash from LG&E's Cane Run Generating Station. She reported that the District had investigated the landfill and would continue to address the issue under guidelines in Regulation 1.14 *Fugitive Emissions*. In addition, Ms. Anderson said the District will seek input from neighborhood residents, the state, and LG&E, and will keep the Board informed on the issue. Mr. Ron Thomas said he lives near the LG&E coal ash plant near Cane Run Road and expressed his concerns about the issue.

Ms. Anderson reported that she received authorization to begin recruitment for two vacant compliance officer positions in the Enforcement section. She also reported that a reorganization of the Engineering department, which was recommended by EPA to create a career path for District engineers, was recently approved by Metro Human Resources and implemented by the District. As a result, the following staff were promoted: Steve Taylor, Dr. Yiqiu Lin and Karen Thorne were promoted to Engineer III; and Rick Williams, Donald Fountain and Bob Wesely were promoted to Engineer II. Ms. Anderson thanked Paul Aud, Environmental Engineering Manager, for his diligence with the reorganization.

Ms. Terri Phelps, Enforcement Manager, reported on the supplemental environmental projects (SEP) the Board had previously approved as part of the Agreed Board orders with Rohm & Haas Company and the University of Louisville. She reported that Rohm & Haas had submitted a proposal to the District for a SEP to replace the agitator and seals in two storage tanks to reduce hazardous emissions of Methyl Methacrylate by 500 lbs. per year. The project is expected to cost Rohm & Haas \$260,000 and the District granted a \$30,000 SEP credit for the project. With respect to the Agreed Board Order with the University of Louisville, the District had allowed the University a SEP credit of \$15,000 to produce an asbestos training video. She reported that the University had notified the District that it would not submit a SEP for an asbestos video, and instead had paid the \$15,000 penalty in full.

Ms. Anderson reported that Carbide Industries submitted a construction permit application to the District to rebuild the furnace damaged during the March 2011 plant explosion.

Ms. Anderson reported that the District held a public hearing on April 13, 2011, at Memorial Auditorium regarding the issuance of a Title V construction permit to Nuplex Resins. The public hearing was attended by a number of residents from the Beechmont neighborhood and videotaped by MetroTV.

Ms. Anderson stated that Mayor Greg Fischer recently celebrated his first 100 days in office. Mayor Fischer asked several department directors, including the District's, to provide him with information on how they measured performance related to metrics and benchmarks. Ms. Anderson reviewed the information she shared with the Mayor, which included design values used by the District to measure work in air monitoring, permitting, lawn care and new projects.

Ms. Hamilton reported that the District recently completed the renewable energy project approved by the Board in February 2010, to install solar powered generating equipment at the Cannons Lane air monitoring site. Funding for the project was provided by a \$25,000 EPA Air Planning Agreement grant and \$17,859.80 from the District's Air Quality Trust Fund (AQTF). Ms. Hamilton said the balance remaining in the AQTF fund was \$16,376.51 and that a full accounting report of the fund would be provided in June 2011.

B. Air Quality Data

Ms. Anderson reported the District has applied for resignation of attainment of the PM_{2.5} standard and the process was moving forward. Also, she said the Thunder Over Louisville event held on April 16, 2011, did not produce any air quality issues for the community.

The air quality monitoring report was submitted for filing. A copy 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 March 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, May 18, 2011, at 10:00 a.m.

Adjourn

The meeting was adjourned at 10:55 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer