

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
January 18, 2012**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on January 18, 2012, at 10:50 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, Mr. Bill Jacob, Mr. Steve Thomas and Ms. Kathy Matheny. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Lauren Anderson, Rachael Hamilton, Paul Aud, Thomas Nord, Cynthia Lee, Terri Phelps, Eva Addison, Matt King, Diane Hazellief, Steven Gravatte, Jenny Rhodes, Craig Butler, Starlet Raj, Rick Williams, Shannon Hosey, Emily Tyler, Diana Prentice, Devin Cassell, Stewart McCollam, Colette McConville, Nick Hart, and Monica Little. Also present were Assistant County Attorney Stacy Fritze Dott and County Attorney staff member Tammy Brown.

The following guests were present: Jim Bruggers, Courier-Journal; Dennis Conniff, GLI-ATTF; Tim Corrigan, GLI; Mike DeBusschere, KEC; Brad Dillon, Bingham Greenebaum Doll LLP; Jennifer Edwards, Arkema; Barbara Hall, Ford-KTP; Tom Herman, Zeon Chemicals; Benjamin Hoene, Marathon; Emily McKinney, Frost Brown Todd, LLC; James McDonald, URS; Patricia Mason, Smith Management Group; Sarah Scheetz, LG&E and KU Energy, LLC; Erica Peterson, WFPL; Paige Mosser Theriac, Theriac Environmental Consultants, Inc.; Beverly Tyler; Dan Weiss, Duke Energy; and Jana Zigrye, Dow Chemical.

**Public Recognitions**

Ms. Anderson informed the Board that Steve Taylor, a senior engineer and a 17 year employee at the District, passed away in late December 2011, and recognized his immense contribution to the agency.

Ms. Anderson recognized Beverly Tyler, a District Compliance Officer who retired in late December 2011 after 27 years of service. Ms. Tyler was congratulated for her outstanding years of service to the District.

**Approval of Minutes**

The minutes of the special meeting held on December 14, 2011, were approved as written.

**New Business**

**A. Draft amendment to Regulation 5.20 Methodology for Determining Benchmark Ambient Air Concentration of a Toxic Air Contaminant, Version 3 – Proposed, October 19, 2011**

Ms. Anderson said the District recommended that the Board adopt the amendment as proposed to Regulation 5.20. Ms. Anderson said the amendment listed ethyl acrylate under the new Section 2.1.5, which provides that the Board may determine that a chemical is not a carcinogen for purposes of determining the BACc.

**Motion:** Mr. Jacob moved to adopt the proposed amendment to Regulation 5.20 *Methodology for Determining Benchmark Ambient Air Concentration of a Toxic Air Contaminant*, Version 3 - Proposed, October 19, 2011, as proposed.

Dr. Al-Shami voted no. The motion passed.

**B. Draft amendment to Regulation 5.23 *Categories of Toxic Air Contaminants*, Version 4 – Proposed, October 19, 2011**

Ms. Anderson said the District recommended that the Board adopt the amendments as proposed to Regulation 5.23. Ms. Anderson said the amendments included (1) ethyl acrylate was removed from Category 1 TAC and placed in Category 4 TAC; (2) the words “and compounds” after phosphorus were removed; and (3) greenhouse gases were not toxic air contaminants for purposes of the STAR program.

**Motion:** Mr. Jacob moved to adopt the proposed amendments to Regulation 5.23 *Categories of Toxic Air Contaminants*, Version 4 - Proposed, October 19, 2011, as proposed.

Dr. Al-Shami voted no. The motion passed.

**Staff Reports**

**A. Director**

Ms. Anderson said that Louisville applied to be redesignated in attainment of the PM<sub>2.5</sub> standard. A hearing was requested and the Kentucky Division for Air Quality will hold a public hearing in the District’s Board room on Friday, February 3, 2012, at 10:00 am. to receive comments on the Kentucky portion of the State Implementation Plan.

Ms. Anderson stated the District received frequent questions from the public and the media about the LG&E Cane Run station. She said the District issued two Notices of Violation to LG&E in 2011 for allowing fugitive particulates to cross their property line and cause problems for residents in the area. Ms. Anderson said LG&E appears to have addressed the main source of the problem at the sludge processing plant, but ash storage continues to be an issue.

Ms. Anderson announced that Ted Smith was appointed the Director of Economic Growth and Innovation (EGI), formerly named Economic Development. She also stated a review of EGI was conducted a year ago at the request of Mayor Fischer. The review was released recently and the District received a favorable report.

**B. Air Quality Data**

Ms. Anderson said the air quality report contained data on PM<sub>2.5</sub> and sulfur dioxide (SO<sub>2</sub>). She reported that the community did not meet the SO<sub>2</sub> standard and the District and EPA would determine the boundary of monitoring for SO<sub>2</sub> to keep the District from monitoring the entire county.

The air monitoring report was 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 December 2011 Excess Emissions Report was submitted for filing. A copy is attached to the original minutes.

**E. 2011 Lawn Care for Cleaner Air Annual Report**

The 2011 annual report was submitted for filing. A copy is attached to the original minutes.

**Next Meeting**

The next regular Board meeting is scheduled Wednesday, February 15, 2012, at 10:00 a.m.

**Adjourn**

The meeting was adjourned at 11:10 a.m.

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Robert W. Powell, M.D.  
Chairman

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Rachael Hamilton  
Secretary-Treasurer