

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
September 19, 2012**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on September 19, 2012, at 10:00 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.

General Statement, Rules and Purpose

The Chairman read the opening announcements, rules and purpose of the public hearing, which was to review a proposed Agreed Board Order with Reynolds Consumer Products, Inc.

1. Proposed Agreed Board Order with Reynolds Consumer Products, Inc.

Ms. Anderson, Executive Director, explained that, because the Reynolds Consumer Products, Inc. company had not violated the conditions of its permit, the proposed Agreed Board Order was not an enforcement order.

As background, Ms. Anderson explained that the company has produced aluminum foil locally for almost a century. In the mid-1990s, the District issued Reynolds a PSD avoidance permit with a VOC emissions limit of 1,258 tons per year. In 2011, the company shut down a plant in eastern Virginia and increased production in Louisville by adding additional equipment. The company obtained a construction permit for the additional equipment. A modification of the company's Prevention of Significant Deterioration (PSD) permit was not required as the increased emissions from the new equipment were not expected to exceed the PSD 40 ton per year significant emissions threshold.

On September 6, 2012, Ms. Anderson said the company informed the District that it had recalculated its VOC emissions and determined that emission limits had increased from 1,258 to 1,298 over a nine-month period. Because of the increased emissions, the company shut down the plant on September 6, 2012, to avoid exceeding its PSD limit and willfully violating the Clean Air Act. Prior to this time, the company had not exceeded its PSD limit of 1,258 tons per year. Following the shutdown, Reynolds met with District staff to discuss resolving the issue and restarting production.

Reynolds requested the proposed Agreed Board Order and agreed to submit a PSD application to the District no later than July 1, 2013. The District agreed to include a provision in the Board Order that it would not pursue criminal action if Reynolds complied with the terms of the Board Order.

Statement from the Company

Carl Horneman, counsel for Reynolds Consumer Products, spoke on behalf of the company. The Hale Avenue plant of Reynolds Consumer Products produces aluminum foil, Reynolds wrap and other foil products and has been operating in Louisville since 1919. The company appreciated the Board's consideration of the Agreed Board Order and the District's willingness to work with Reynolds.

Reynolds discovered the increased VOC emissions while evaluating the effectiveness of its scrubber and reported it to the District when it thought it might be near its limit. The company would continue to review the numbers to determine if its initial calculation was an accurate. Reynolds has followed its

monitoring obligations throughout 2012, and has spent approximately four million dollars over the past year to install new scrubbers. Mr. Horneman asked the Board to approve the Board Order.

Dr. Powell asked if anyone from the public would like to comment on the Agreed Board Order. No public comment was received.

Discussion

Mr. Ron Thomas asked whether Reynolds laid off any employees during the past two weeks while the company worked to resolve the issue. Scott Russ, plant manager, reported that employees were allowed to either take leave time or do maintenance work at the plant. Employees did not lose wages due to the shutdown.

Ms. Biemer asked if Reynolds had another reason to close the plant besides the exceedance of VOC emissions. Mr. Horneman said there was no other reason other than to avoid violations.

Adjournment

The public hearing adjourned at 10:19 a.m.

Robert W. Powell
Chairman

Rachael Hamilton
Secretary-Treasurer