

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
June 19, 2013**

A regular meeting of the Louisville Metro Air Pollution Control Board was called to order on June 19, 2013, at 10:13 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 Mr. Ronald Thomas, Mr. Bill Jacob and Ms. Kathy Matheny. A quorum was present.

The following Louisville Metro Air Pollution Control District staff members were present: Lauren Anderson, Keith Talley Sr., Rachael Hamilton, Paul Aud, Thomas Nord, Terri Phelps, Cynthia Lee, Eva Addison, Billy DeWitt, Michelle King, Shannon Hosey, Karen Thorne, Steven Gravatte, Devin Cassell, Rick Williams, Dustin Gohs, Eric Burnette, Hannah Byland, John Tennen, Craig Butler, Nick Hart, Colette McConville, and Monica Little. Also present were Assistant County Attorney Stacy Fritze Dott and County Attorney staff member Tammy Brown.

The following guests were present: Brandan Burfict, LG&E/KU Energy; Jim Bruggers, The Courier-Journal; Eboni Cochran, REACT; Dennis Conniff, GLI Air Toxics Task Force; Brad Dillon, Bingham Greenebaum Doll LLP; Barbara Hall, Ford-KTP; Carl Horneman, Reynolds Consumer Products; Jon Kapellusch, Reynolds Consumer Products; Gracie Lewis, REACT; Joan Lindop, Sierra Club; Rev. Gregory Moore, interested citizen; Steve Owsley, Eckart America; Scott Russ, Reynolds Consumer Products; Sarah Scheetz, LG&E/KU Energy; Paige Moser Theriac, Theriac Environmental Consultants, Inc.; Monica Unseld; Kentucky Environmental Foundation; Ronald Van Stockum, Jr.; and Mark Westwell, Eckart America.

Public Recognition

Dr. Powell recognized Barbara Sexton Smith, a former District Board member, for receiving the Michael Newton Award for Private Sector Leadership from the Americans for the Arts. The award is presented annually to an individual, staff member or volunteer of an arts organization to recognize innovation in developing private-sector partnerships and/or long-term fund-raising achievements. Ms. Smith is the President and CEO of the Fund for the Arts in Louisville.

Approval of Minutes

The minutes of the regular Board meeting held on May 15, 2013, were approved as written.

Public Comments

Ms. Gracie Lewis, a resident of Rubbertown and a member of REACT, expressed concern about health and safety issues affecting the Rubbertown area. On June 9, 2013, there was a chemical leak of hydrochloric acid at the DuPont Fluoroproducts chemical plant, located at 4200

Campground Road, at 6:00 p.m. Ms. Lewis reported that she learned of the release from a friend later that evening and was not was not notified by a call from CodeRed.

Ms. Monica Unseld, spoke on behalf of the Kentucky Environmental Foundation (KEF). Ms. Unseld said KEF supports the District's efforts to reduce pollution that cause asthma. Ms. Unseld stated that KEF believed that closing loopholes on harmful emissions from startups, shutdowns and malfunction events was a critical step to improve the health and wellbeing of Louisville residents. KEF applauded the District's efforts and hoped Regulation 1.07 would be approved by EPA and implemented swiftly. KEF will be submitting a letter to EPA in support of Regulation 1.07.

Ms. Eboni Cochran, a member of REACT, asked if the District had developed a standard operating procedure (SOP) for odor investigations to ensure that the minimum steps were taken in response to resident's odor complaints. Ms. Cochran also asked whether the District had reviewed the Chemical Safety Board's recommendations regarding the Carbide explosion and what could be implemented within the scope of the District's authority. REACT encouraged the District to investigate each Rubbertown plant, identify equipment that needed to be upgraded, and determine what chemicals could be substituted for safer alternatives. She said notification was also a concern for residents who live in the neighborhoods adjacent to the chemical plants.

New Business

A. Agreed Board Order with Eckart America Corporation

Ms. Phelps, Enforcement Manager, said the District recommended that the Board adopt the Agreed Board Order with Eckart America Corporation, as proposed.

Motion: Mr. Thomas moved to adopt the Agreed Board Order with Eckart America Corporation, as proposed.

The motion passed unanimously.

B. Amended Agreed Board Order with Reynolds Consumer Products, Inc.

Ms. Phelps said the District recommended that the Board adopt the amended Agreed Board Order with Reynolds Consumer Products, Inc., as proposed.

Motion: Mr. Jacob moved to adopt the Agreed Board Order with Reynolds Consumer Products, Inc., as proposed.

The motion passed unanimously.

Staff Reports

A. Director

Ms. Anderson responded to the comments regarding the hydrochloric acid spill at DuPont Fluoroproducts on June 9, 2013. The District is not a first responder and the Lake Dreamland Fire Department issued a shelter in-place warning at 6:10 p.m. to approximately 900 residents within a one mile radius of the plant. The warning was lifted around 9:00 p.m. When incidents occur at companies, the company is required to report the leak, follow-up with a written report within 15 days that includes preliminary report with the amount released and possible cause of the incident to the District. The District then reviews this report to determine if there is a violation of the permit or the Clean Air Act. Ms. Anderson pointed out that permits issued by the District did not include a permit condition that stated that accidents could not occur. As a general rule, permits deal with normal operating conditions and not accident prevention, but require that excess emissions be minimized during any upset condition. The District views itself as a public health agency that deals with the long-term health effects of emissions. Ms. Anderson stressed that safety is an important issue and believed that fellow Metro Government officials err on the side of warning residents when there is any risk whatsoever.

In other news, Ms. Anderson reported that the District had issued a notice of violation to Louisville Gas & Electric Company for fugitive emissions at the Cane Run Generating plant. A penalty or compliance plan had not been determined. Mayor Fischer and 44 other city mayors signed the Resilient Communities for America agreement pledging to take climate change adaptations seriously.

Ms. Anderson introduced Ronald Van Stockum, Jr., an environmental attorney, biologist and instructor. Mr. Van Stockum presented information on “The Science and Law of Oil Shale and Tar Sands Development in Kentucky” also known as fracking. The presentation included information on the process of fracking and the how it may affect Kentucky’s natural gas resources in the future.

B. Air Quality Data

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 Event Report

The May 2013 Excess Emission Event Report was submitted for filing. A copy is attached to the original minutes.

Next Meeting

Dr. Powell announced that a public hearing would be held on June 25, 2013, at 4:00 p.m. to receive comments on the renewal of the JBS Swift operating permit. He said the public hearing would be held at 810 Barret Avenue, in the 1st Floor Conference Room.

The next regular Board meeting is scheduled Wednesday, July 17, 2013, at 10:00 a.m.

Adjourn

The meeting was adjourned at 11:03 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer