

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
August 21, 2013**

A regular meeting of the Louisville Metro Air Pollution Control Board was called to order on August 21, 2013, at 10:08 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. Steve Thomas, Mr. Ronald Thomas, Ms. Bonnie Biemer, Mr. Bill Jacob, Ms. Kathy Matheny and Dr. Neville Pinto. 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, Billy DeWitt, Michelle King, Steven Gravatte, Rick Williams, Diana Prentice, Emily Tyler, Karen Thorne, Eric Burnette, Craig Butler, Josh Tennen, Narathip Chitradon, Nick Hart, Ryan Engelbrecht, Dee Lynch, Devin Cassell, Dustin Gohs, 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; Bhanu Calvert, DuPont; Tim Corrigan, GLI; David Coyte, Coalition for the Advancement of Regional Transportation (CART); Carolyn Embry, American Lung Association (ALA); Barbara Hall, Ford-KTP; Joan Lindop, Sierra Club; Ellen Kershaw, ALA; Greg Long, Ford-LAP; Emily McKinney, American Synthetic Rubber Company; Erica Peterson, WFPL; Sarah Scheetz, LG&E/KU Energy; Patrick Stallard, Stites & Harbison; Paige Moser Theriac, Theriac Environmental Consultants, Inc.; Tom Weber, Medical Center Steam Plant.

Approval of Minutes

The minutes of the public hearing and regular Board meeting held on July 17, 2013, were approved as written.

Public Comments

Mr. David Coyte, President of CART, stated that CART was very disturbed about the recent audit report on the state of the District's particulate monitoring in the city. CART wanted to know how long the District had been using inadequate or wrong procedures, how the issues were being addressed by EPA, who would audit the District's monitoring of other pollutants, and when the public's trust in the District would be restored.

New Business

A. Agreed Board Order with Louisville Medical Center Steam Plant, Amendment 3

Mr. Paul Aud, Environmental Engineering Manager, said the District recommended that the Board adopt the Agreed Board Order with Louisville Medical Center Steam Plant, Amendment 3, as proposed.

Motion: Ms. Biemer moved to adopt the Agreed Board Order with Louisville Medical Center Steam Plan, Amendment 3, as proposed, and the motion was seconded.

The motion passed unanimously.

B. Agreed Board Order with Advance Ready-Mix Concrete, Inc.

Ms. Terri Phelps, Enforcement Manager, said the District recommended that the Board adopt the Agreed Board Order with Advance Ready-Mix Concrete, Inc., as proposed.

Motion: Mr. Ron Thomas moved to adopt the Agreed Board Order with Advance Ready-Mix Concrete, Inc., as proposed, and the motion was seconded.

Discussion

Ms. Matheny asked why penalties assessed by the District were referred to as an administrative settlement instead of a civil penalty and how the penalty money was used. Ms. Phelps explained that the term “civil penalties” was broader than the term “administrative settlements” and its use by the District was based on language adopted by EPA. Ms. Anderson stated the penalty money did not go to the general fund.

The motion passed unanimously.

C. Air Quality Trust Fund

Ms. Rachael Hamilton, Secretary-Treasury gave the annual update on the District’s Air Quality Trust Fund. She said \$122.27 was accrued in interest, there were no disbursements during FY13, and the current balance was \$20,056.62.

D. Air Monitoring Data Audit

Dr. Powell, Board President, commented on the District’s recent air monitoring data audit. He said the District is multi-faceted and has many functions and responsibilities for work such as writing permits for companies, monitoring to ensure that companies operate within their permits, and offering educational programs such as Idle Free, Louisville Lawn Care for Cleaner Air and Grow More Mow Less. Also, the District responds to public concerns about odors, dust and smoke, writing notices of violation when appropriate and holding the responsible party accountable. The District also conducts an air monitoring program that uses various methods to measure the criteria pollutants in the air. One pollutant measured includes particulate matter or PM_{2.5}. Earlier in the year, the Kentucky Division for Air Quality conducted an audit on the PM_{2.5} monitoring program. The audit focused on weigh lab operations, data handling and quality assurance for PM_{2.5}, but other particulates, such as PM_{2.5}, PM₁₀ and greater, were also included since all are handled in the weigh lab.

As a result of the audit, Mayor Greg Fischer ordered an independent review of the District and proposed that an outside firm be hired to examine the District from top to bottom and make recommendations on both operations and personnel. The Kentucky Division for Air Quality audit came with findings and recommendations for corrective action. The District immediately took action to comply with the Division for Air Quality recommendations to correct problems in the air monitoring section. The Kentucky Division for Air Quality is currently conducting an audit of the monitoring data of other criteria pollutants to find out if there are other problems and would recommend corrective actions if needed. Dr. Powell reported that it was not yet known what effect the problems with the air monitoring data would have, nor when the results would be known. The District has taken the situation very seriously and is working closely with the Kentucky Division for Air Quality and the U.S. Environmental

Protection Agency to make certain that local air pollution data is collected, handled, analyzed and quality assured correctly and accurately. In short, the District must continue to monitor the air and implement those corrective actions already in place to ensure that the reported data is reliable.

Staff Reports

A. Director

Ms. Anderson, thanked Dr. Powell for summarizing the issues with the air quality monitoring section. She asked the Board to contact her with any questions.

Statements

Mr. Ron Thomas stated he had the utmost confidence in District staff and was certain that the audit issues would be resolved.

Mr. Jacob said the District was a very professional organization and that audits were necessary to make an organization better.

Mr. Coyte expressed his concern about the audit which he believed was very disturbing and suggested that the District involve REACT to ensure trust is restored. He said the audit findings showed that many previously approved projects that were based on the data may have contributed further to an unknown degree of air quality problems in the West End community. Also, modeling related to the new bridges project may have had a different outcome. Mr. Coyte hoped that the District would provide outreach to involve the most affected and concerned neighbors in the process to ensure that the audit issues have been resolved.

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

Next Meeting

The next regular Board meeting is scheduled Wednesday, September 18, 2013, at 10:00 a.m.

Adjourn

The meeting was adjourned at 10:28 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer