

**Minutes  
Regular Meeting  
of the  
Louisville Metro Air Pollution Control Board  
September 19, 2012**

The regular meeting of the Louisville Metro Air Pollution Control Board was called to order on September 19, 2012, at 10:20 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, Ms. Bonnie Biemer, 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, Rachael Hamilton, Thomas Nord, Terri Phelps, Matt King, Jenny Rhodes, Billy DeWitt, Daniel Durrett, Shannon Hosey, Don Fountain, Dee Lynch, Eric Burnette, Craig Butler, Stewart McCollam, Devin Cassell, Dustin Gohs, Kim Loechle, Emily Tyler, Karen Thorne, 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: Brandan Burfict, LG&E and KU Energy, LLC; Greg Brotzge, LCP/KPC; Jim Bruggers, Courier-Journal; Dennis Conniff, GLI-ATTF; Tim Corrigan, GLI; Barbara Hall, Ford-KTP; Carl Horneman, Wyatt, Reynolds Consumer Products; Kevin Johnson, Reynolds Consumer Products; Mary Stuart Peace, URS Corp.; Scott Russ, Reynolds Consumer Products; Sarah Scheetz, LG&E and KU Energy, LLC; Pat Stallard, Stites & Harbison, PLLC; Paige Mosser Theriac, Theriac Environmental Consultants, Inc.; Jasmine Weatherby, Office of Congressman John Yarmuth; Barbara Woerner, St. Regis Park resident.

**Public Recognitions**

Ms. Anderson announced that Daniel Durrett was promoted from an Air Pollution Tech II to an Environmental Specialist in the Air Monitoring section.

**Approval of Minutes**

The minutes of the regular Board meeting held on August 15, 2012, were approved as written.

**Public Comment**

Ms. Barbara Woerner spoke before the Board concerning her request at the August 2012 Board meeting for assistance with ongoing air and noise pollution at the I-264 and I -64 ramp near her home in the St. Regis Park neighborhood. Ms. Woerner noted that Ryan Engelbrecht, a District Compliance Officer, had investigated her complaint on September 18, 2012; as a result, she requested an update on other actions taken by the District to resolve her concerns.

Following the August Board meeting, Tom Nord, the District's Public Information Officer, followed-up with Matt Stull, the District's former Public Information Officer, who recalled that the Kentucky Division for Air Quality (DAQ) asked him to visit Ms. Woerner's home in early 2011 to survey the situation. Mr. Stull did not take samples, but relayed the proximity of the road to her home to DAQ. He also contacted the Kentucky Transportation Cabinet, which indicated that a barrier wall would resolve the noise, but not pollution, issue.

Since the August Board meeting, District staff referred Ms. Woerner's complaint to the Federal Highway Administration in Frankfort, the Kentucky Transportation Cabinet, and the Kentuckiana Regional Planning and Development Agency. Mr. Nord said the District will continue to follow-up with those agencies, each of which has primary regulatory jurisdiction for roadways and related issues. The District has conducted some general roadway monitoring in the past; however, it has no plans to monitor any specific roadways at this time.

## **New Business**

### **A. Proposed Agreed Board Order with Reynolds Consumer Products, Inc.**

Ms. Anderson recommended that the Board adopt the Board Order for Reynolds Consumer Products, Inc. as proposed.

**Motion:** Mr. Ron Thomas moved to adopt the Board Order with Reynolds Consumer Products, Inc. as proposed. The motion was seconded.

The motion passed unanimously.

## **Staff Reports**

### **A. Director**

Ms. Anderson reported that the District had experienced a lot of activity since the previous Board meeting. For example, the District held a public hearing on August 15, 2012, regarding the proposed construction permit issued to the Louisville Gas & Electric for the Cane Run Generating Station and received significant news coverage on a Notice of Violation (NOV) issued to Diageo Americas Supply stemming from complaints about a black, sooty substance on homes, cars and other property from residents in the surrounding neighborhood. The District alleges that the black sooty substance is related to ethanol emissions, which occur during aging of whiskey, and contribute to the growth of a mold, now known as *Baudoinia Compniacensis*. Ms. Anderson explained that the District had jurisdiction pursuant to Regulation 1.14 to request that Diageo Americas Supply control fugitive emissions from its operations.

The Board chairman made public a letter from Mayor Greg Fischer, which was written "to avoid even the appearance of any perceived conflict," regarding his relationship with a plaintiff in the class action lawsuit filed earlier this year regarding whiskey fungus.

### **B. Air Quality Data**

Ms. Anderson said the community had experienced numerous ozone exceedances during 2012 and would have to develop new control measures to decrease ozone levels. She believed the stagnant hot and dry summer heat contributed to the increase of ozone locally and across the country; however, the community was in attainment for ozone based on the latest standard of 75 ppb. She said the last ozone violation occurred in 2007 and a task force was formed to discuss options to reduce ozone.

Ms. Anderson stated there were several sulfur dioxide exceedances at two monitoring locations, a trend which has been consistent during 2012.

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 Events Report**

The August 2012 Excess Emission Events Report was submitted for filing. A copy is attached to the original minutes.

**Next Meeting**

The next regular Board meeting is scheduled Wednesday, October 17, 2012, at 10:00 a.m.

**Adjourn**

The meeting was adjourned at 10:42 a.m.

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Robert W. Powell, M.D.  
Chairman

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Rachael Hamilton  
Secretary-Treasurer