

**Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board
April 17, 2013**

A regular meeting of the Louisville Metro Air Pollution Control Board was called to order on April 17, 2013, at 10:25 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, Eva Addison, Michelle King, Diane Hazellief, Shannon Hosey, Karen Thorne, Emily Tyler, Steven Gravatte, Devin Cassell, Rick Williams, Donald Fountain, Hannah Byland, 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: Richard Baer, Central Power Systems; Paul Bowe, Marcus Paint; Greg Brotzge, KY Paint Council; Brandan Burfict, LG&E/KU Energy; Bhanu Calvert, DuPont; Dennis Conniff, GLI Air Toxics Task Force; Tim Corrigan, GLI; Brad Dillon, Bingham Greenebaum Doll LLP; Bob Ehrler, LG&E/KU Energy; Richard J. Evans, resident; Bill Gawarecki, resident; Barbara Hall, Ford-KTP; Joan Lindop, Sierra Club; Greg Long, Ford-LAP; James McDonald, URS Corp; Wallace McMullen, Sierra Club; Greg Moore, 2nd Street Neighborhood Association; Steve Noland, LG&E/KU Energy; Thomas Pearce, Sierra Club; Erica Peterson, WFPL; Gary Revlett, LG&E/KU Energy; Paige Moser Theriac, Theriac Environmental Consultants, Inc.; and David Tummonds, LG&E/KU Energy.

Public Recognition

Ms. Anderson thanked Central Power Systems and Mr. Richard Baer, Regional Sales Manager with the company, for donating a CORE professional grade battery powered string trimmer, battery backpack, power cell battery and a one-hour rapid charger to Louisville Metro Government. The string trimmer reduces 99% of emissions and is eligible for a rebate under the Lawn Care for Cleaner Air program. Mr. Baer demonstrated the string trimmer and provided details about the string trimmer and where it could be purchased.

Approval of Minutes

The minutes of the regular Board meeting held on March 20, 2013, were approved as written.

New Business

A. Agreed Board Order with Louisville Gas and Electric Company

Ms. Phelps, Enforcement Manager, said the District recommended that the Board adopt the Agreed Board Order with Louisville Gas and Electric Company, as proposed.

Motion: Mr. Jacob moved to adopt the Agreed Board Order with Louisville Gas and Electric Company, as proposed, and the motion was seconded.

Discussion

Ms. Biemer stated she felt disappointed that the District and LG&E had not resolved all of the violation issues, but was glad that two of the issues were resolved with a plan for compliance.

Mr. Steve Thomas asked LG&E to explain why the company felt they were not responsible for the issues that had not been settled. Mr. David Tummonds said he was not at the plant when the alleged violations occurred but had read a thorough review of the complaints. He said three of the issues involved visible emissions that occurred on-site, but, based on a review of LG&E's reports of incidents, did not cross the fence line of the property. If these emissions had been emitted off-site, LG&E understood that would constitute a violation. Similarly, the fourth issue included on-site emissions that did not appear to cross the fence line that were documented on a video taken by nearby residents and posted to YouTube, and on a video taken LG&E. The fifth violation occurred during a major storm event with winds in excess of 45 mph. Mr. Tummonds said the company did not challenge that the coal ash left the site during this event, but the concern was that it should be excused as an extraordinary circumstance. The sixth violation was an operational issue about what the permit covered regarding fan maintenance, documentation and notification.

Mr. Thomas Pearce disputed Mr. Tummonds explanation for the six violations not being resolved and urged the company to invest in renewable energy.

Dr. Powell announced that Ms. Matheny would not participate in the LG&E Agreed Board Order discussion or the vote because of a potential conflict of interest.

After discussion, the motion passed.

B. District Regulations Packet

Ms. Anderson said the District had planned to present the regulation packet to the Board for approval at the April 2013 Board meeting. Instead, she asked the Board to postpone approving the regulations until the May 2013 Board meeting because the District had received comments during the public comment period and discovered a few issues that required changes to the draft. She said the changes were not substantive to the requirements but should clear up confusion, in particular, about insignificant activities.

Ms. Hamilton said that after a thorough review of the response to comments, the District discovered there was confusion about insignificant activities versus exempt activities. With respect to that, the District had proposed revising Regulation 2.02 to clarify what was exempt and who the regulation applied to. Many of the comments received during the public comment period expressed concern that the proposed regulations would significantly change insignificant activities and how they were permitted. This was not the District's intent. Ms. Hamilton briefly explained how insignificant activities were linked in 1993 to the Title V program and the list of exemptions in Regulation 2.02. She said the definitions from Regulation 2.16 for insignificant activities would be moved to Regulation 1.02, verbatim. Also, the concept of insignificant activities would be incorporated into the minor sources program. The list of affected facilities that are in Regulation 2.02 would be moved to the Appendix in Regulation 1.02.

Ms. Hamilton said the comment to response document listed additional changes the District would recommend for clarity. She said the District intended to be as conscientious as possible and provide as much clarity in the regulations as possible. Ms. Hamilton stated major changes were made in Regulation

2.08 that proposed a schedule of fees, which significantly changed how the District assessed fees, was changed based on comments from GLI and the Division of Air Quality to reorganize the fee table.

Mr. Jacob asked if another public hearing would be held. Ms. Anderson said because there were no substantive changes, another public hearing would not be held.

Ms. Anderson said the response to comment document and the revised regulations would be available for review prior to the May 2013 Board meeting. Dr. Powell asked District staff to notify the Board when the comment response document was posted on the website.

Staff Reports

A. Air Quality Data

Ms. Anderson said the community had one exceedance of the one-hour SO₂ standard at the Watson Lane monitoring station which was located near the LG&E Millcreek generating station.

The air quality monitoring report was submitted for filing. A copy is attached to the original minutes.

B. Enforcement Status Report

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

C. Excess Emission Event Report

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

D. Lawn Care for Cleaner Air/Grow More Mow Less Quarterly Report

The Lawn Care for Cleaner Air/Grow More Mow Less quarterly report was submitted for filing. A copy is attached to the original minutes.

Next Meeting

The next regular Board meeting is scheduled Wednesday, May 15, 2013, at 10:00 a.m.

Adjourn

The meeting was adjourned at 11:02 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer