

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board**

January 20, 2016

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on January 20, 2016, 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 Agreed Board Orders with Louisville Gas and Electric Company and Brookside Properties, Inc.

1. Agreed Board Order with Louisville Gas and Electric Company.

Ms. Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order alleging that Louisville Gas & Electric Company violated its operating permit, and directing the company to pay an administrative penalty. The company has agreed to the terms of the Order.

LG&E produces electricity at its coal-fired Mill Creek Generating Station pursuant to a District Title V operating permit. The permit requires the emissions of particulate matter and several other pollutants to be monitored by a continuous emissions monitoring system. The company reported to the District on June 1 of this year that one of the units had exceeded its particulate matter limit, based on a 3-hour rolling average. The company later reported that the excess emissions were the result of a switchgear fire that caused fans and precipitators to malfunction.

The company again reported exceedances of the particulate matter limit on June 3rd and 17th, stating that the exceedances were also the result of the switchgear fire and equipment malfunctions. The precipitators were inspected by a service company, repairs were made, and ash was cleaned from the equipment.

On July 6, the company reported a fourth exceedance of the particulate matter limit had occurred when bringing the unit back online after being down for cleaning of the precipitator hoppers. This spike caused the exceedance of the 3-hr averaging periods. The company has reported that in the future switchgears will be inspected with an infrared camera to detect hot spots before they become fires.

The District has assessed a penalty of \$9,000 for the excess emissions.

The District will recommend that the Board adopt the Agreed Board Order as proposed.

Statements

There were no statements.

2. Agreed Board Order with Brookside Properties Inc.

Ms. Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order alleging that Brookside Properties Inc. violated District Regulations 2.03 and 5.04, which adopts by reference federal asbestos requirements for demolition and renovations, and requiring Brookside to pay an administrative penalty. The company has agreed to the terms of the Order.

In November 2015, the Board adopted an agreed order with Brookside Properties assessing \$41,250 in penalties for alleged violations of the District's asbestos regulations for renovations at the Metropolitan Apartments that were discovered in August 2015.

In October 2015, District officers conducted follow-up inspections and again found that wall board had been removed from numerous apartments, exposing asbestos-containing mastic on the wall studs. Brookside's project manager explained that these apartments had already had asbestos abated by the abatement contractor, but that other contractors had come later and torn out walls. He closed up and isolated the area immediately, and later that day the District received a notification and issued an abatement permit for the cleanup of the asbestos-containing debris.

A month later, in November, District officers discovered during a follow-up inspection at the complex that dry wall had been removed from the ceiling of two more apartments that had already been abated, exposing asbestos-containing mastic. Brookside submitted a revised notification, and the District issued a permit, for the cleanup and additional abatement.

Because Brookside Properties continues to conduct renovation projects at apartment complexes in Metro Louisville, this order requires Brookside to submit a weekly report of all its renovation activities in Metro Louisville for as long as it is working in Louisville. Brookside has been submitting the reports weekly since adoption of the order in November and has been cooperative.

The District has assessed, and Brookside has agreed to, an administrative penalty of \$37,500 that will be paid in four monthly payments by June 18, 2016.

The District will recommend that the Board adopt the Agreed Board Order as proposed.

Statements

There were no statements.

Adjourn

The public hearing adjourned at 10:09 a.m.

Robert W. Powell
Chairman

Rachael Hamilton
Secretary-Treasurer