Minutes
Special Meeting
of the
Louisville Metro Air Pollution Control Board
March 31, 2020

A special meeting of the Louisville Metro Air Pollution Control Board was called to order on March 31, 2020, via teleconference due to the COVID-19 outbreak at 2:20 p.m., by the Chairman, Carl Hilton. Other Board members present were: Dr. Geoffrey Cobourn; Steve Sullivan; and Kandice Shobe-White. A quorum was present. Dr. Josephine Mei was unable to attend the meeting via teleconference but joined by phone.

The following Louisville Metro Air Pollution Control District staff members were present via teleconference: Keith Talley, Matt King, Michelle King, Andrea Cooley, Craig Butler, Byron Gary, Rick Williams, Andy Purdon, Torend Collins, Narathip Chitradon, Karen Thorne, and Rachael Hamilton.

The following guests also attended via teleconference: Tim Corrigan, The Rotunda Group; Teresa Douglas, Ford KTP; Greg Dutton, Frost, Brown, Todd LLC; Michael Cowherd, Brown-Forman; Edye Raymond, Nucor; Hannah Hannon, GE Appliances; Aaron Benson, Ford; Amy Lint, Highlands Environmental; Brandan Burfict, LG&E KU, Steve Myers, Ford; Amy Dant, Carbide Industries; Connell Stokes, Humana; Rebecca Cash, LG&E KU; Bob Ehler, LG&E KU; Kelly Bartley, Dentons; Corinna Greenberg, Eckart America; Susan Clark, Lubrizol; Collin Linebach, Linebach Funkhouser; and R. Streight, Ford.

Assistant County Attorneys Stacy Fritze Dott and Susan Ely also attended via teleconference.

Approval of Minutes

The minutes of the public hearing and regular Board meeting held on February 19, 2020, were approved with no corrections.

Staff Reports

A. Director

Mr. Keith Talley, Director, updated the Board on Metro Government and the District’s COVID-19 preparations.

Metro Government has established a Unified Command Center which is comprised of a cross-functional team including leadership, first responders and representatives from multiple agencies and entities necessary to address this threat. In addition to their frontline work, the Unified Command conducts daily briefings, even on weekends, for Metro Government and its partners to address current needs and to plan future responses and needs. Metro Human Resources has worked diligently to adjust sick and childcare leave policies to provide flexibility and opportunity for employees to accommodate these needs as they arise. Through an executive order, Metro government has reserved the right to move personnel on an intra-agency basis and across CBA/unions to meet staffing needs in the most critical areas, if needed. Finally, Louisville Forward/Develop Louisville has conducted cabinet-level meetings, which includes the District, Kentuckiana Works and PARC, to discuss issues, answer questions, and address concerns that may be specific to these individual agencies.
In early March, the District began implementing the protocols for social distancing in the workplace environment which included avoiding large group meetings that would not allow for effective social distancing, utilizing emails and phone calls when possible, taking advantage of small conference rooms to spread out and diverting foot traffic in the office that did not allow for appropriate distancing past our co-workers. As the need for social distancing escalated, the District implemented an alternating teleworking protocol on March 16, 2020, which called for roughly half the staff to work from home to provide six feet of social distancing while still maintaining a strong staff presence in the office. As the impacts of the pandemic increased, the District implemented a more extensive telework plan on March 23, 2020. The new plan called for all staff to telework except for three to six staff members who would be present in the office daily. Through a combination of telework and social distancing, the District continues its mission of protecting air quality in Louisville. The health and well-being of the community, the Board, and staff remains the District’s top priority. The District continues to actively monitor the COVID-19 situation and has developed a coordinated strategy across the agency to address the situation as it evolves. The Louisville Air Monitoring Network continues normal operations and is being maintained. Air monitoring data is available in real time at Louisville Air Watch. Odor, dust, and open burn complaints are still being taken and investigated, though direct person-to-person contact is being avoided. Permits are being drafted and issued, compliance is being monitored, and enforcement taken where appropriate.

The District’s staff is to be commended for its early planning in response to the COVID-19 outbreak, including updating policies, contact information, and needs assessment for transitioning to telework, and professional responsiveness to U.S. EPA, Metro Government partners, and the community. Mr. Talley noted that Michelle King, Executive Administrator, Andy Purdon, the District’s Info Systems Analyst, and Metro Government’s Office of Civic Innovation and technology deserve additional thanks for transitioning staff to laptops and quickly ensuring that all staff had offsite network access for teleworking.

Mr. Talley reported that the District has extended the deadline to submit Emissions Inventory and Annual Compliance Certification submittals from April 15, 2020, to May 15, 2020, due to COVID-19. He added that this action does not waive or suspend any regulatory requirement but merely extends the deadline. Mr. Talley addressed U.S. EPA’s recent decision to issue an “Enforcement Discretion” policy. Under this policy, U.S. EPA will exercise enforcement discretion for certain instances of environmental noncompliance that result from the COVID-19 outbreak and not seek civil penalties for certain violations of routine compliance monitoring, tank testing, sampling, laboratory analysis, training and reporting, and certification obligations where U.S. EPA agrees that COVID-19 is the cause and the company has provided supporting documentation. Mr. Talley further noted that what may be appropriate at the federal level may be different at the local level, a fact that U.S. EPA’s policy recognizes. With the exception of the filing time extension above, the District expects all regulated sources to continue to take all steps necessary to ensure continued compliance with District regulations and permit requirements to protect the health and safety of the community and the environment.

Mr. Talley reported that the Multipollutant Stakeholder Group (MPSG) process was moving forward and largely on track within the goal timeframe. The five working committees, which include Point Source, Area Source, Mobile Source, Health, and Outreach and Education, have completed their work to develop recommendations. The full MPSG and all committee participants are being invited back to a pair of reconvening meetings via WebEx on April 6, 2020, and April 13, 2020, to hear those
recommendations along with an overview of each committee’s work. Feedback on the committee’s recommendations will be sought following each meeting using an online survey tool. The MPSG team will incorporate this feedback into a report of the MPSG process and outcomes, which will be released and posted on the District website in May.

Mr. Talley commended the entire District staff for its dedicated professionalism to this situation and reflects their commitment and resolve to do the important work of this agency.

B. Air Quality Report

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

C. Enforcement Status Report

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

D. Excess Emission Event Report

The excess emission event report was submitted for filing. A copy is attached to the original minutes.

E. Complaint Investigation Status Summary

The complaint investigation status summary was submitted for filing. A copy is attached to the original minutes.

F. Lawn Care for Cleaner Air A Report

The lawn care for cleaner air quarterly report was submitted for filing. A copy is attached to the original minutes.

Next Meeting

The next Board meeting is scheduled for Wednesday, April 15, 2020, via teleconference, at 10:00 a.m.

Adjourn

The meeting was adjourned at 2:43 p.m.

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Carl E. Hilton       Rachael Hamilton
Chairman       Secretary-Treasurer