

Stephen L. Beshear  
Governor

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**Environmental Quality Commission**

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Scott Smith, Chair, *Lexington*  
Tom Herman, *Louisville*  
Jason Delambre, *Frankfort*  
Kimberly Holmes, *Lexington*  
Laura Knoth, *Grand Rivers*  
Stephanie McSpirit, *Richmond*

Annual meeting  
June 2 -3, 2011  
300 Fair Oaks  
Frankfort, Kentucky 40601

June 2, 2011 – Morning session:

The meeting was called to order by commission chair, Scott Smith at 9:15 am.

**Commissioners in attendance:**

Scott Smith, Chairman,  
Stephanie McSpirit, Co-Chair  
Kimberly Holmes  
Tom Herman  
Jason Delambre  
Kim McCann

**Staff:**

Arnita Gadson, Executive Director  
LaTisha Barnett, Executive Secretary

Scott Smith informed the commission that the Natural Resources committee meets the first Thursday of each month and the Energy committee meets the third Friday of each month.

Smith: Opened by saying the meeting would be carried in a somewhat different manner, from past meetings. We have had directors from across the cabinet present overviews of annual reports and upcoming activities. This year's annual meeting will be more of a planning session.

Stephanie McSpirit suggested that an office representative attend these meetings and share the meeting information with the commissioners.

The commissioners introduced themselves, sharing their background and expertise.

**Scott Smith:** Environmental/Energy consulting, in permitting and planning, Also a lobbyist for Manufacturing of energy equipment interests, energy development and



conservation, ie, liquid fuels, biomass for energy, conservation projects especially with schools, and water issues.

**Kim McCann:** Attorney/Lobbyist. Interested in protecting the environment and maintaining the integrity of the environment and environmental issues; grew up on a farm and is interested in agricultural issues, forestry (harvest & maintenance), school systems (elementary through high school); has concerns for the environment and career opportunities in that area.

**Jason Delambre:** Energy Consultant from Frankfort, Kentucky, a leader in biomass and clean coal technology. Kentucky has 250,000 manufacturing jobs from the cheap power that is supplied from coal. Is it a good idea to invest millions in coal infrastructure? How do decisions on energy affect the state? Infrastructure for energy prices are being changed and improved. Utilities need for new infrastructure is a crisis of tremendous cost. Does it make sense to invest huge amounts of money in coal infrastructure which over the years will be phased out. EQC can help make these decisions on how to move forward. Energy efficient alternatives, biomass, strategic solar and wind can be discussed.

**Kimberly Holmes:** Associate Dean of the College of Agriculture through Science and Sustainability Systems, and Associate Vice President for Inclusion and Innovation. Concerned with education from K-12 through graduate school in the area of environmental responsibility and sustainability through economic development, to use resources more effectively, with special interest in depressed areas around the state. KSU owns and maintains a research farm that is currently involved in using sweet potatoes and sorghum to produce low cost energy fuels; also, concerned with building bridges with the Federal Government, more collaboration, more funding for diversity beyond tradition systems.

**Tom Herman:** Louisville native, environmental engineering degree from the University of Louisville Speed School, currently working at Zeon Chemicals, a company that produces synthetic rubber. Zeon is a part of an industrial chemical complex called Rubbertown. He has also worked with the Metropolitan Sewer District in Louisville.

Rubbertown area industries are involved in a company created organization, the Rubbertown Community Advisor Council, and the West Jefferson County Task Force, a community driven organization. Tom is involved in ORSANCO (Ohio River Valley Sanitation Commission), in an advisory capacity; in local school projects, one in particular Cane Run Elementary who put in geothermal heating and cooling, outdoor classroom development using EPA control technology. He is involved in the MSD Wet Weather Council in an advisory capacity to set standards for the ceasing of sewer overflows; to develop a more green infrastructure.

**Stephanie McSpirit:** Professor of Sociology at Eastern Kentucky University teaching statistics and research methods, also involved in environmental sociology and community based research. She led a team of students to Martin County in 2000 to do an assessment of the Coal disaster and its impact to the community. Most recent project was in 2009



when they contracted with the Division of Water, to develop the first phase of the Ky. streams and wetlands Conservation Plan.

She is interested in habitat conservation, protection of our scenic rivers, environmental activism and movements. Universities play an important role in moving environmental initiatives forward and would like for this to be discussed in the EQC meeting.

Scott Smith shared the new EEC DEP organization chart. He discussed EQC history when Horace Brown worked with the commission. Historically all regulations were reviewed and signed off by the commission, unlike present day when EQC only reviews the SOC's.

### **Review of the Mandate. What should the EQC be doing?**

EQC was an integral part of the regulation process. That form of committee structure is no longer in place. Regulations are basically completed by the time the EQC receives them.

McCann. – presently there are many groups that currently work on the regulatory development and review. Currently, by the time EQC receives the regulations, they have been through the process that historically was one of the responsibilities of the Commission.

**Section 100** basically gives the frame work of the organization. Paragraph 3 gives initial appointments, vacancies and procedures for filling them. Pay is \$25.00 per day plus travel and per diem. Reviewing the framework of the number of members, terms and vacancies. Chair, Co-Chair, and Secretary. Currently there is no elected secretary but may want to discuss at a later date.

**Paragraph 7** - Duties of the Exec. Director.

**Paragraph 8** - allows the Commission to request assistance from any legitimate public forum including Universities. Regular meetings must be held at least every three months. The Commission has the ability to have special meetings as deemed necessary.

**Advisory committees:** McCann stated this gave the Commission the option to request expertise when needed.

### **Role of the commission**

McCann: Our role is to raise issues, decide how to address them and be the conduit for processing those issues

Smith: The roll of the EQC is to be a listening post, providing the Governor and Secretary with information about issues, concerns, and ideas.

With the video sites, there are few people in attendance. They may not be aware of the process unless they are involved with organizations that represent their interest. We need to hear from everyone.

Gadson agreed that current participation level is not where it should be.

Smith: Before budget challenges, the meeting was held in different areas of the state. Prior to the meeting EQC would publicize it on radio/TV. This resulted in better participation. Different areas of the state have various and different environmental issues. Over the next year, we need to assess the effectiveness of the videoconferences and address how to improve it.

### **How do we have more robust meetings?**

Delambre: The concern is access. People come before the EQC because they have a desire to understand something for the betterment of their life or for their causes. Maybe there needs to be a face for the issues. Media usually summarizes issues into a few talking points which is easily misinterpreted. Their stories need to be told to the public. This is something that EQC can disseminate.

Smith informed the commission that the final recommendation/s the EQC makes do not have to be accepted, but an explanation is usually given as to why they are rejected.

Smith informed the commission that KET offered the EQC air time in the past. We need to research what they can do for the EQC now.

Holmes and Gadson also shared that KSU has a commercial studio where the EQC can gain access for a finished product.

McSpirit expressed a desire for a larger audience to hear the presentations from divisions.

DeLambre: We need to focus on the issues before Kentucky. A format change would allow a series of questions and answers where more engaging communication /conversation is an integral part of the meeting, ie, not only division representatives but also us, the commissioners from our perspective. This adds a human quality to the issues. It allows others to know of the knowledge and technical expertise that is a part of the Commission.

Scott: Ideas such as this may be embraced by EPA. Under public involvement, this would assist the cabinet in terms of outreach. A formal recommendation to the governor and secretary can be developed.

### **How to do it**

DeLambre: Get young people in the state to tell the stories.



Holmes: Public meetings that are televised, to include cutting to things that highlight where we are providing education and outreach for the community and government. Ask for questions or comments, and defer to the contact information for the EQC. This should be done as efficiently as possible with the least amount of strain on people and/or resources.

Smith: It gives the community an opportunity to engage in issues.

DeLambre: Allow people to talk about themselves. Others can relate to these issues.

Holmes: The agenda could include involvement from across the state.

Gadson: The invitation can be enhanced by advertising per region.

Smith: We can use community colleges' capability to interview people. This can become a pilot for the cabinet.

Delambre: A trial run is needed. YouTube, Gov 2.0, and Green TV out of Louisville, does interviews and develops tapes. This can be posted on face book.

Government 2.0 is an application that can be downloaded to your iPhone, with the capability to take pictures of potholes, then forward it to the transportation department, as an example. The picture can be emailed to the proper department. This can be done with any information for real time transfer. Another opportunity for a model that other state agencies can adopt.

Surveys are also an option. Smith suggested inviting KET to a meeting. Also, environmental organizations, to discuss their issues and concerns. The commissioners asked the staff to present concerns/complaints that are received at the office.

DeLambre and Mcspirit expressed the need to move quickly to develop a framework for this initiative.

Holmes: If community colleges are not available, the Extension offices regarding the health issues, have video capability.

McCann: The Executive Director should be an integral active part in meeting people around the state for participation in videos to have them ready for our meeting, on related subjects.

Holmes: Outreach can be done through canned information community input, discussion, interviews, etc.

Gadson: To use our budget wisely, if the region of focus is western Kentucky for example, site set up could be limited only to those affected, or areas of interest saving cost.



## **Powers and Duties**

It was agreed that the Noise Control issue is no longer needed. Cities currently address their own ordinances on noise control. There has been no request to address this.

115 – 240.5

McCann: once regulations are adopted it is completed. Any EQC recommendations to the secretary that state regulations should not be put in place, doesn't mean the regulations won't go forward.

McSpirit suggested the commission look at past agendas to see what issues need to be revisited; recruit a committee to follow-up and provide a summary of where the EQC has been and where it's going; develop deliverables with regard to air quality issues and mercury; follow up with the division of water on the watershed management portal; and follow-up on the GIS initiative.

Recruiting expertise from the outside as well as within the commission to follow through with some of those items may be necessary.

Smith: Requested last two years of meeting minutes and agendas to review past concerns for follow-up.

Gadson passed out copies of the 2000-2001 and 2006 revision update of the EQC *State of the Environment* publication and the *Children's Health Study*. The office receives many requests for the 2001 publication as well as the *Children's Health study*.

Scott: Funding was provided by the Bingham, for the *Statement of the Environment* publication. DEP has developed information that is measurable. These updates can be posted on the website.

Publishing all information may not be necessary because of electronic access. Focusing on specifics would serve a better purpose. We can request additional information from divisions, once annual reports have been reviewed.

Delambre. We can highlight specific trends that EQC is following in specific areas.

Smith: We want to post factual information that provides a resource for use to the public. McCann suggested that all publications that have been prepared by EQC be posted on the website. Reference links for direction, for inquiries referencing information, should be posted to the site as well.

There is a need for a specific link to the division's annual reports.

DeLambre: Our site needs to be more interactive. Gave an example of how frustrating it can become accessing information. State Government's information on numbers of buildings, square footage, energy cost, etc. has been a challenge to locate.

Gadson: I can start looking at each of the areas of the 2000 publication and begin pulling information, however the commission will have to provide area specific direction as to what we want to target.

Barnett: Currently there is a tab for publications on the site.

Holmes: I would be concerned about our interpretation of other divisions' information without at least contacting that department.

DeLambre and Smith: we need to get something up now.

Holmes: Let us be specific and be understanding of people's time.

DeLambre : We should acknowledge exactly what we need, provide flexibility, and develop a time frame

Gadson: We have to remember topics such as "Climate Change", and Environmental Justice, etc. are not mentioned in the publication because it was not a "hot" topic at the time.

Delambre: We can add the new items as dictated.

Tom: We don't want to lose sight of the simple process of scanning. We can scan the information which should provide information on the site right away.

McCann: Suggested that all reports be put on a CD.

Barnett explained the procedure for adding to and/or changing the website.

Scott: Discussing the Flooding Recommendation, Secretary Peter's said there has to be funding for a study to be done. Bruce will be able to provide more information at a later date.

Lunch

LRC committee meeting – Capitol Annex

June 2, 2011 Afternoon session

Assignments for the *State of the Environment Publication* update

**McSpirit** – Drinking Water and Water Quality

**McCann** – Hazardous Waste

**Holmes and Knoth** – Natural Resources

**Smith** – Extraction and Oil and Gas

**DeLambre** – Energy



## **Herman** – Hazardous Waste and Air Toxic

Herman: Our goal is to find the information in the EQC publication on the Division's website and identify the issues that specified by the commission.

### **Regarding the PSC meeting,**

Smith discussed the Arkansas rates. They were written by the Arkansas PSC commission. They do not have to have legislative approval. They require the Utilities to implement them. The article on this approach will be forwarded to the commissioners .

A suggestion was made to invite the PSC to the EQC meeting to talk about their role in rates, how it works, and their relationship with the Attorney General's office, who intervenes on the part of citizens. Interest in the energy efficiency requirements due to rates and EPA requirements, will increase. The Commission needs to understand the PSC role.

McCann: If the commission is discussing capital outlays that is a fixed number, and if residents become more and more efficient, and the utilities do not get their projected money, they will return.

Herman: That is happening currently in Louisville with the Water Company. People are buying more energy efficient equipment and it is driving down water usage.

DeLambre: My understanding of cost is based on infrastructure and capacity. If there is an opportunity for funding more energy efficiency efforts. I see energy including alternative fuels, biomass, nuclear, etc. and other options.

On the Ag side, with the current price of commodities, how does it play out today as future sources of energy. What does the property and crop look like as future sources of energy.

For nuclear, Paducah's nuclear exposure is enhanced by its location on the New Madrid Fault. In light of what happened in Japan, there is more concern now. Storage is also an issue.

Smith: Talina Mathews has developed a computer model to provide information to decision makers for forecasting on energy cost and application. EQC needs to hear more information about this. The Executive Task force on Bio Mass, study group included many of the statistics that were a part of the computer model.

There are restrictions set on how money is spent by PSC.

McSpirit: EKV has a center on alternative energy working with algae. This could be included in an update of the Task force on alternative and renewable energy.



DeLambre: Education, lobbying, community outreach, and water and sewer seem to be of interests.

McCann: There is an architectural group that has worked on school projects – green buildings.

Smith: The Department of Education has all of this information. The walls of the building itself are designed to be educational. EQC visited SD-1 in northern Kentucky looking at the operation based totally on energy efficiency initiatives.

DeLambre: Other forms of energy, smart grid, decentralized combustion plants, etc. need to be digested. More use of coal needs to be expanded. Sewage sludge has a BTU value.

Smith: Pike County recommendation: Scott and Arnita visited with Secretary Peters regarding the recommendation. Secretary Peters' concern was regarding the cost involved to implement the recommendations.

A meeting with Bruce Scott and the Secretary after our meeting reaped an overview of the possibilities of our recommendations. A suggestion was made to use the Core of Engineers for funding. We await Bruce's determination. We will follow up, depending on his findings.

An article on the 100 year flood plain standards will be forwarded by Scott. Local communities are reviewing how much storm water is retained on site

### **An overview of the Friday's agenda**

Holmes: How are we putting community representative issues on the table.

Scott: We can bring in Sierra Club and other public organizations.

Holmes: We can make more use of technology, do an on-line survey that can drive the agenda. Topics may be driven by the complaints received. Perhaps a committee could discuss the questionnaire. Ten to twelve questions are enough. "Have you ever heard of EQC" should be the first question. Website feedback is a way of guiding our agenda.

Gadson: The complaints are calls and emails. They are forwarded to the proper division for reply.

The meeting for the day ended at 4:15pm.

June 3, 2011 morning session

Smith called the meeting to order at 8:38am.

Commissioners in attendance: Smith, McSpirit, Holmes, Herman, Delambre, Knoth



A quick review of the previous days discussion. Staff and DeLambre to locate archived reports, IT, and help work on website structure. McSpirit is to research reports on drinking water and water resource. McCann, hazardous waste. Holmes and Knoth, natural resources, Smith, Resource Extraction and Oil and Gas, DeLambre, Energy.

There was mention of the Public Service Commission speaking on Energy Reduction Initiatives.

Concerning bio mass/fuels, Leah McSwords, ECU can discuss alternative fuels. Talina Mathews Climate Model. John Davies, MEEA. Alternative fuels.

Public outreach summary, community feedback, government 2.0 concept, KET, regulation notices on website, air quality-mercury, and budget.

Smith: Old minutes and topics that may need to be re-visited: **clean coal, green buildings, GIS, oil and gas drilling impact, inspection and enforcement, State of the Environment, State Climate Action Plan, coal mining, and air quality.**

Gadson: As was discussed, if the Commission is to include public's priorities as a guide for our meetings, how do we address all of the issues discussed and still find time for specific public issues **if** only a few of those chosen involve public concerns.

There was discussion on the meeting structure. Delambre suggested following a regional issue theme. Thoughts were exchanged on having 30 minute comment periods, how long the public should be given to speak individually, whether it's in the beginning or end of the meeting, discussing EQC business for thirty minutes, presenters sending presentations to the office ahead of time.

There was discussion regarding using presentations to develop publications in the future. After public sessions, presentations are published on the website.

Gadson: What hasn't been discussed are farm issues and this may be an avenue that needs to be addressed. Also, it is important to stay focused or at least cognizant of areas of public interest.

The challenge at this time is to find the information that was lost and re-post on the site.

Laura Knoth was present and told the commission about herself. Interested in agriculture, Knoth represents corn and wheat farmers across Kentucky. She worked for Ky Farm Bureau for several years in environmental legislative work and consulting.

Gadson to contact LRC for a copy of both presentations from the NR and ENV meeting the day before.



A discussion on the LRC meeting included: capitol cost which will be incorporated in the rates, renewables, coal as the cheapest fuel, “prudent” decisions for the utility and consumer. If utility has a mandate, the cost must be considered.

It was requested of Jeff Derouen to make a presentation to the Commission.

Discussing water issues, McSpirit suggested giving attention to positive topics such as Scenic and Wild waters (environmental tours). DeLambre added green sewer infrastructure. Discussing Hazardous Waste issues, the commission wants to focus on new storage tanks rules.

#### Annual Meeting roundup and follow-up

- Updates from past minutes and agendas
- Clean Coal Advancement Efforts
- Green Building Efforts and Construction – F/A; Education
- GIS update
- Oil And Gas Drilling Impact
- Collection of Water Quality Data
- Inspections and Enforcement
- State of the Environment Trends
- State Climate Action Plans
- Climate Model
- Coal Mining – Status – MOU 6-1-09/ Fill Placement
- Air Quality – Mercury
- Cabinet Budget
- Renewables/Conservation
- Dam Safety – Emergency Preparedness

#### Meeting Schedules and Agenda items

9-1-11

5:30 – 7:00 EQC old business

Annual meeting follow-up

Survey

Website

KET/Video Concept

Homework assignment report and Department request

Regionalization

7:00 – 7:30 Public Comments

7:30 – 8:30 Presentations



PSC  
John Davies/MEEA/TVA Consent Decree  
Talina Matthews – Climate Model  
8:30 – 9:00 EQC discussion

### **11-10-11 Meeting**

5:30 – 6:30 EQC old business  
Document Update  
KET/Video Concept  
Web site  
Survey Results

6:30 – 7:00 Public comment

7:00 – 8:30 Presentations

Scenic Rivers/Eco-Tourism

CMEC (Commonwealth Energy Management and Control Systems) – Dept of  
Finance/ Dick Mink - TBD

Water Quality Data

8:30 – EQC discussion

### **2-23-12 Frankfort**

6:00 – 6:30 EQC Old Business

6:30 – 7:00 Public comment/Perspective

7:00 – 8:00 Presentations

Cabinet Budget

Alternative Fuel/Solid

EQC Business

Election of Officers

### **5-17-12**

6:00 – 6:30 EQC Old Business

6:30 7:00 Public Comment

7:00 8:30 Presentations

Mining Updates Standards

Precious Metals

Oil and Gas Update

8:30 – 9:00 EQC Business

Governor's Conference discussion

Green Buildings

ORSANCO – Ohio River Sanitary Commission

MEEA - Midwest Energy Efficiency Alliance

TVA – Tennessee Valley Authority

Storm Water



**Possible Speakers:**

Pete Goodman  
LaJuana Wilcher

**State of the Environment Updates**

**Commissioners:**

Tom Herman  
Stephanie McSpirit  
Kim McCann  
Kim Holmes and Laura Knoth  
Kim Holmes  
Scott Smith  
Jason DeLambre

**Area for Update**

Air Quality and Waste Management  
Drinking Water and Water Quality  
Hazardous Waste  
Natural Resources  
Survey (Arnita)  
Resource Extractions  
Energy and Website

**Reminder:**

1<sup>st</sup> Thursday of each month – Interim Joint Committee  
3<sup>rd</sup> Friday of each month - Energy Committee

**Meeting dates for the next fiscal year:**

September 1, 2011 5:30pm-9pm  
November 10, 2011 5:30pm-9pm  
February 23, 2012 6pm-9pm  
April 13, 2012 Earth Day Awards Ceremony  
May 17, 2012 6pm-9pm  
June 21-22, 2012 Annual Meeting

Finally, the EQC agreed to be prepared for a possible EQC Seminar on a Saturday, have an executive meeting, a special meeting, as necessary for water issues, the state of the environment, etc.

Holmes made a motion to accept the minutes from the previous meeting. It was seconded by Herman, and unanimously passed.

A motion to adjourn was made by McSpirit and seconded by Knoth.

Signed,

Scott Smith, Chairman  
Environmental Quality Commission



