

**AGREED BOARD ORDER NO. 23-03**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Case No. ENF-APCD-20-00028**

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77 (Air Pollution Control). This Agreement is made by and between the Board and Heritage Green Holdings LLC (Company), a Kentucky limited liability company, and is effective on the date of its adoption by the Board.

**COMPANY:** Heritage Green Holdings LLC  
1105 E County Line Road, Suite 207  
Lakewood, NJ 08701

**REGULATIONS INVOLVED:**

Regulation 5.04: *Adoption of Federal Emission Standard for Asbestos*  
40 CFR 61, Subpart M, *National Emission Standard for Asbestos*

**NOTICE OF VIOLATION LETTER:**

Case No. ENF-20-00028, dated May 5, 2021

**BACKGROUND AND DISCUSSION:**

Company is owner of the Heritage Green Apartment complex. The Heritage Green Apartment complex is an expansive multi-family housing neighborhood, which provides affordable housing just outside downtown Louisville. Since 2015, the complex has been undergoing renovation projects in staged increments.

On August 3, 2020, during an asbestos inspection, the Louisville Metro Air Pollution Control District (District), observed a large pile of potential asbestos-containing material in the parking lot of the complex. Samples taken that day confirmed that asbestos-containing material was present in the debris pile. The District further observed the basement area where work was being conducted and found most of it had been cleared of any debris. Samples taken from what remained in the basement area also tested positive for asbestos, including 10% crocidolite, which is a particularly dangerous form of asbestos.

On August 17, 2020, the District conducted a follow-up inspection and discovered the debris pile had not been wetted or covered as previously instructed by the District, and there was no appropriate signage warning of asbestos in the area. In a response to an official request for information from the District, waste manifests indicated 150 yards of asbestos-containing materials had been disposed of from the debris pile.

The District alleges that Company failed to perform a thorough inspection of the site prior to commencing renovations, failed to notify the District prior to commencing renovation work, and disturbed asbestos-containing material without following proper work practice requirements, including adequately wetting the asbestos-containing material and keeping wet until disposed of. In order to demonstrate compliance, Pinnacle Environmental Group, Inc. was hired to clean the basement of any remaining asbestos-containing material and dispose of the debris pile.

To fully address the violations of District Regulation 5.04, and as alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$22,500. A public hearing was held before the Board on this proposed Order. Based upon the information presented at the hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. Company shall pay \$22,500 by May 31, 2023, to the Louisville Metro Air Pollution Control District in a series of three payments of \$7,500 as follows:

- Company shall make the initial payment installment by March 31, 2023.
- Company shall make the second payment installment by April 30, 2023.
- Company shall make the final payment installment by May 31, 2023.

2. Company has reviewed this Order and consents to all its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.

3. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.

4. This Order fully resolves the violations alleged in Case No. ENF-APCD-20-00028 and alleged above in this Order against Company.

5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

Heritage Green Holdings LLC

By:   
for

Carl E. Hilton  
Chairman


By: 

Martin Scharff  
President

Date: 5/17/23

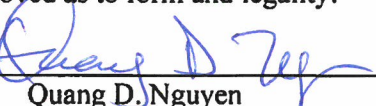
Date: 04/03/2023

Louisville Metro Air Pollution Control District

By:   
\_\_\_\_\_  
Steven Gravatte, P.E.  
Compliance and Enforcement Manager

Date: 5/17/2023

Approved as to form and legality:

By:   
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Quang D. Nguyen  
Assistant County Attorney