

**AGREED BOARD ORDER NO. 16-02**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 06767 and 06776**

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 Brookside Properties Inc. (Company), a Tennessee corporation, and is effective on the date of its adoption by the Board.

**COMPANY:** Brookside Properties Inc.  
2002 Richard Jones Road  
Nashville, TN 37215

**REGULATIONS INVOLVED:**

District Regulation 2.03: Authorization to Construct or Operate; Demolition/Renovation  
Notices and Permit Requirements  
District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

**NOTICE OF VIOLATION LETTER:** No. 02631, dated November 4, 2015  
No. 02642, dated January 6, 2016

**BACKGROUND AND DISCUSSION:**

Company managed a renovation project at Camelot Apartments located at 1021 Everett Avenue in Jefferson County, Kentucky. On August 31, 2015, the Louisville Metro Air Pollution Control District (District) performed an inspection of asbestos abatement being conducted pursuant to a District-issued asbestos permit. The District observed a debris pile of suspect asbestos-containing exterior siding that had been removed, but was not authorized by the permit. The District also observed a debris pile of drywall that contained suspect asbestos-containing materials, along with black mastic exposed on wall studs. Company informed the District that suspect asbestos-containing materials had been identified a few days earlier and it had stopped work in the area and conducted an asbestos survey. The survey reported that the exterior siding contained 15-20% Chrysotile, and the stud mastic contained 8-10% Chrysotile. Company submitted a notification to include 450 square feet of exterior siding debris, an additional 200 square feet of wall stud mastic, and 4,100 square feet of floor tile and mastic.

On October 7, 2015, the District performed an additional inspection of the facility. The District again discovered asbestos abatement being improperly performed. The District observed numerous locations where wall board had been removed, exposing mastic on wall studs. Most of the debris from the wall board had already been removed from the work area. Company informed the District that the walls should not have been removed and stopped work until the area was properly abated. Company also submitted a notification to include the clean-up of 80 square feet of stud mastic.

On November 5, 2015, the District again inspected the facility and discovered that drywall had been removed from the ceiling by electrical contractors, exposing black mastic on the ceiling studs. The drywall debris remained in the facility. The asbestos survey identified the mastic as containing 8-10% asbestos. Company submitted a revised notification to clean up the drywall debris and remove the exposed mastic, which was estimated to be approximately 144 square feet.

The District alleges that Company failed to thoroughly inspect for the presence of asbestos before disturbing asbestos-containing materials, failed to notify the District of the removal of 450 square feet of asbestos-containing exterior siding, and 144 square feet of asbestos-containing mastic, and allowed untrained workers to disturb asbestos-containing exterior siding and stud mastic without using required work practices to control asbestos emissions.

To fully address the violations of District Regulations 2.03 and 5.04 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$37,500. On January 20, 2016, 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 \$37,500 to the Louisville Metro Air Pollution Control District in four monthly installments. Monthly payments of \$10,000 shall be due no later than March 18, 2016, April 18, 2016, May 18, 2016 and a final monthly payment of \$7,500 no later than June 18, 2016. If Company misses deadline on a payment, any remaining payments shall be accelerated and due immediately.

2. For all current and future building renovation projects being conducted by Company in Jefferson County, Company shall submit to District on the first business day of each week a report specifying all buildings in which Company will be working for the week.

3. 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.

4. 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.

5. This Order fully resolves the violations alleged in District Incident Nos. 06767 and 06776, and as alleged above in this Order against Company.

6. 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

By: Robert W Powell  
Robert W. Powell, M.D.  
Chairman

Date: Feb 17, 2016

Brookside Properties Inc.

By: William M. Warfield  
William M. Warfield  
President

Date: 1/21/16

Louisville Metro Air Pollution Control District

By: Matt King  
Matt King, P.E.  
Compliance and Enforcement Manager

Date: 1/11/16

Approved as to form and legality:

By: Stacy Fritze Dott  
Stacy Fritze Dott  
Assistant County Attorney