

AGREED BOARD ORDER NO. 07-01

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 03962

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes, Chapter 77 (Air Pollution Control).

COMPANY: Central Station, LLC
9625 Ormsby Station Rd.
Louisville, Kentucky 40223

REGULATIONS INVOLVED: 5.04 (Adoption of Federal Emission Standard for Asbestos)

NOTICE OF VIOLATION LETTER: No. 01770, dated October 5, 2006

BACKGROUND AND DISCUSSION:

The Company owns the former American Air Filter facility located at 3rd and Central in Louisville, Kentucky. On February 16, 2005, District officers were informed that a demolition contractor had disturbed suspect asbestos-containing material (ACM) while demolishing interior walls in the basement of the facility. The demolition contractor had discovered a preformed block thermal system insulation material (TSI) and pipe insulation, both containing asbestos, within the ceiling. The District met with the the demolition contractor, the environmental contractor, and the asbestos abatement contractor at the facility to discuss plans for the proper removal of the ACM. While on site, the District observed dry ACM that had not been wetted down and workers that were not wearing respiratory protection. Windows and frames in the facility had been removed allowing asbestos fibers to be released into the ambient air when the ACM was disturbed by the demolition contractor.

The environmental contractor received notice on February 15, 2005, that two bulk samples of the material removed during the demolition contained a maximum of 85% chrysotile and 5% amosite respectively. Nonetheless, the District was not contacted until the following day and the work in the basement did not stop. The District estimated the dimension of the TSI to be 600 square feet prior to demolition, and the pipe insulation to be approximately 225 linear feet. The total amount of debris to be decontaminated and removed was approximately 3,300 square feet. The asbestos contractor began clean-up on February 23, 2005 and final air clearances were completed on March 9, 2005.

The District alleges that the Company violated the following federal regulations, incorporated by reference in District Regulation 5.04:

- 40 CFR 61.145(b)(1) – Failure to notify the District of intent to demolish and renovate
- 40 CFR 61.145(c)(2) – Failure to adequately wet asbestos-containing material

- 40 CFR 61.145(c)(1) – Failure to preclude access to asbestos-containing material
- 40 CFR 61.145(c)(6) – Failure to keep wet until disposal
- 40 CFR 61.145(c)(8) – Failure to have trained supervisor present
- 40 CFR 61.150(a) – Discharge of visible emissions of asbestos-containing material

On March 21, 2007, a public hearing was held before the Board on the proposed settlement. Based upon the evidence presented at that hearing, the Board determined that the proposed resolution and requirements were reasonable under the circumstances.

NOW THEREFORE, BE IT ORDERED THAT:

1. The Company has paid \$5,000 to the Louisville Metro Air Pollution Control District.
2. The Company has reviewed this Order and consents to all its requirements and terms. Further, the 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, the Company agrees to pay filing fees and costs of such action.
4. This Order fully resolves the violations alleged against the Company in District Incident No. 03962 and as alleged above in this Order.
5. Neither this Order nor the actions taken hereunder shall constitute an admission by the Company of any wrongdoing, or an admission of liability for any of the matters referenced in the Order.

Dated this 21st day of March, 2007.

Louisville Metro Air Pollution Control Board

Central Station, LLC

By: _____
Karen A. Cassidy
Chair

By: _____
Fred D. Faulkner
President

Louisville Metro Air Pollution Control
District

Weber & Rose, PSC

By: _____
Jesse Goldsmith, P.E.
Engineering/Enforcement Manager

By: _____
Patrick Gault
Attorney for Central Station, LLC

Approved as to form and legality:

By: _____
Lauren Anderson
Assistant County Attorney