

AGREED BOARD ORDER NO. 20-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Case No. ENF-19-1007

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 Kelley Construction, Inc. (Company), a Kentucky corporation, and is effective on the date of its adoption by the Board.

COMPANY: Kelley Construction, Inc.
12550 Lake Station Place
Louisville, Kentucky 40299

REGULATION INVOLVED:

District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

NOTICE OF VIOLATION LETTER:

Case No. ENF-19-1007 dated June 5, 2020

BACKGROUND AND DISCUSSION:

Company serves as general contractor of a major renovation project at the Galt House Hotel which commenced in June 2018. On December 12, 2018, the Louisville Metro Air Pollution Control District (District) received a notification for an asbestos abatement project at the hotel. The notification stated that on December 6, 2018, National Environmental Contracting, Inc. had taken samples of suspected asbestos-containing material removed during the renovation which tested positive for asbestos. On December 13, 2018, District compliance officers performed an inspection at the hotel and observed a significant amount of floor tile and wood paneling that had been removed. The District estimated that approximately 1,200 square feet of floor tile and wood paneling with asbestos-containing mastic had been disturbed.

The District alleges that Company violated District Regulation 5.04 by failing to perform a thorough asbestos inspection of the renovation site prior to commencing renovations and failing to notify the District prior to beginning renovation activities. The District also alleges Company disturbed asbestos-containing materials without following work practice requirements, including failing to wet the asbestos-containing materials during disturbance and until collected for disposal.

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 \$11,475. A public hearing was held before the Board on this proposed Order. Based upon the information presented

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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 \$11,475 by August 31, 2020 to the Louisville Metro Air Pollution Control District.
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-19-1007 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

Kelley Construction, Inc.

DocuSigned by:
 By: Carl Hilton
 Carl E. Hilton
 Chairman

By: Kenneth J. Hoffman
 Kenneth J. Hoffman, P.E.
 Chief Operating Officer

Date: 9/15/2020

Date: 7-28-20

Louisville Metro Air Pollution Control District

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

Date: 8/19/2020

Approved as to form and legality:

DocuSigned by:
 By: Stacy Fritze Dott
 Stacy Fritze Dott
 Assistant County Attorney