

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
November 19, 2014**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on November 19, 2014, at 10:00 a.m. in the Board Room, 850 Barret Avenue, Louisville, Kentucky by the Chairman, Dr. Robert Powell.

General Statement, Rules and Purpose

The Chairman read the opening announcements, rules and purpose of the public hearing, which was to review Agreed Board Orders with Waste Management of Kentucky, L.L.C., Bachelor Land Holdings, LLC, and Momentive Specialty Chemicals Inc.

1. Agreed Board Order with Waste Management of Kentucky, L.L.C.

Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order that alleged that Waste Management of Kentucky had violated its District operating permit and District regulations and required the company to pay a penalty. The company agreed to the terms of the Order. Waste Management operates the Outer Loop Recycling and Disposal Facility subject to a Title V Operating Permit. The permit requires maintenance of a gas collection and control system at the landfill in accordance with federal regulations. Between 2008 and 2012, the company reported in its semi-annual reports a total of 119 incidents in which pressure, oxygen, or temperature exceedances at the gas collection and control wells were not corrected within 15 days or were not corrected by expanding the system within 120 days. Each of these exceedances was corrected, and the company and the District agreed on requirements for timely correction of future well exceedances. The District also alleged that the company allowed objectionable odors to be emitted from the property on seven days between 2011 and 2013. To resolve the allegations of violations, the company agreed to pay \$43,875 as an administrative settlement.

Statement

Mr. Dennis Conniff stated that Waste Management disagreed with the District's initial interpretation of the regulation related to the reporting of the well exceedances. He further asserted that the District and the company compromised and agreed to the proposed Order rather than incurring the time and expense of litigating the issues.

2. Agreed Board Order with Bachelor Land Holdings, LLC

Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order that alleged that Bachelor Land Holdings, LLC had violated its District operating permit and District regulations and required the company to pay a penalty. The company agreed to the terms of the Order. In 2008, Bachelor Land Holdings applied for and received a permit to abate and dispose of a large amount of friable and non-friable asbestos material from the 7th floor and basement of the former Hilliard Lyons Building at 4th Street and Muhammad Ali Boulevard. The company subsequently notified the District that the project was being cancelled at the time for financial reasons. In August 2013, the company submitted a new application for a permit to abate and dispose of a large amount of asbestos-containing materials from the basement and second floor of the building. With its application, the company submitted an asbestos survey prepared by Micro Analytics that identified the asbestos-

containing materials in the building. A comparison of the survey conducted in 2013 with the survey previously submitted in 2007 revealed that a large amount of asbestos-containing materials had been removed in the interim years. The District's investigation found that over 30,000 sq. ft. of asbestos-containing floor tile was removed from the second floor and basement. Additionally, about 4,000 sq. ft. of the nearly 13,000 sq. ft. of the asbestos-containing mastic present in the basement and second floor had been removed from the building. After the completion of the District's investigation the company's abatement contractor abated and disposed of all the remaining asbestos-containing materials before the renovation of the building began. To resolve the allegations of violations the company agreed to pay \$50,000 as an administrative settlement.

3. Agreed Board Order with Momentive Specialty Chemicals Inc.

Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order that alleged that Momentive Specialty Chemicals Inc. had violated its District operating permit and District regulations and required the company to pay a penalty. The company agreed to the terms of the Order. Momentive manufactures specialty chemicals at its plant on Camp Ground Road subject to a Title V operating permit as well as various construction plants. On September 12, 2014, the company reported that the water pump to the Silver Plant Packed Bed Scrubber had been removed from service due to a mechanical failure and was not reinstalled following the repair. In a follow up report, the company stated that the pump had been removed from service in November 2013 but the work order was inadvertently closed without the reinstallation of the pump. The pump was reinstalled and returned to service the same day the discovery was made. The company recorded that the scrubber was bypassed for a total of 53.48 hours, which allowed excessive emissions of 0.24 tons of VOCs, 0.01 tons of formaldehyde and 0.10 of methanol. The company's failure to operate the scrubber for ten months did not cause an exceedance of the Silver Plant boiler bypass limit, HAP limits, or STAR limits. The company agreed to pay \$15,000 as an administrative settlement.

Statement

Mr. Todd Trowbridge of Momentive Specialty Chemicals Inc. stated the company had no comments to make.

Notice of Administrative Change

Ms. Stacy Dott, Assistant Jefferson County Attorney, advised the Board that at there was a small administrative change made to the second paragraph of the Waste Management Agreed Board Order at the company's request, following its posting on the District's website. Specifically, the first sentence in the second paragraph was changed to "Additionally, the District alleges that on seven days between 2011 and 2013, Company allowed objectionable odors to leave the property site". The rest of the sentence remained the same.

Adjournment

The public hearing adjourned at 10:13 p.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer