

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
May 20, 2015**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on May 20, 2015 at 10:00 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 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 the Agreed Board Order with James Butt, d/b/a J. Butt Rentals, LLC.

1. Agreed Board Order with James Butt, d/b/a J. Butt Rentals, LLC

Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order with James Butt, d/b/a J. Butt Rentals, LLC. On March 20, 2013, the District received a complaint from the Middletown Fire Department reporting that the Fire Marshall had discovered that suspect asbestos-containing ductwork had been removed from the basement of a building located at 11604 Main Street. The District inspected the building and discovered asbestos-containing ductwork had been removed and replaced, and observed suspect asbestos-containing material scattered throughout the basement. The District submitted two samples of suspect asbestos-containing materials (ACM) collected from the basement to MRS, Inc. MRS reported that the sample results were 58% Chrysotile and 60% Chrysotile, respectively. The District estimated the ductwork to measure 87 linear feet and that the entire basement containing 1,800 square feet had been contaminated. The District learned the ductwork was removed by a contractor hired by the Company to replace a furnace. The District alleged that the Company failed to conduct a thorough inspection prior to disturbing asbestos, failed to submit proper notification to the District for a renovation project involving asbestos, and failed to take reasonable precautions to prevent the release of asbestos into the air during a renovation project.

For the Company's failure to thoroughly inspect the building for asbestos before demolishing it, the District assessed, and the Company agreed to, an administrative penalty of \$5,000.

Statements

Mr. Mike McClain, attorney for J. Butt Rentals, LLC asked to clarify that Mr. Butt should not be named in the Order. Ms. Phelps informed Mr. McClain that the District made the allegations against both Mr. Butt and J. Butt Rentals, LLC. Mr. McClain agreed to the terms.

Adjourn

The public hearing adjourned at 10:07 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer