

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board**

December 16, 2015

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on December 16, 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 Agreed Board Order with Swift Pork Company.

1. Agreed Board Order with Swift Pork Company

Ms. Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order alleging that Swift Pork Company violated its District operating permit, and directing the company to pay an administrative penalty. The company agreed to the terms of the Order.

Swift Pork Company owns and operates an animal slaughtering and rendering plant pursuant to a federally enforceable District operating permit. The District alleged that the company failed to operate its odor control devices within ranges specified by its permit, failed to conduct work practices to control odors, and failed to monitor and to keep records of the operation of its odor control equipment.

Last year the Board adopted an Agreed Order resolving the District's allegations that some of Swift's odor monitoring equipment was not functioning in 2009 through 2011 and that the company was not keeping complete records for its odor control equipment as required by its permit. Even though the company reported in 2013 that it had begun to properly monitor and keep records for the odor control equipment, Swift again reported for the first semiannual period of 2014 that it had failed to operate its odor control equipment within permitted ranges, failed to conduct work practices to control odors, and failed to monitor and keep records of the operation of the control devices.

By March, when the company submitted its report for the second semiannual period for 2014, Swift was able to demonstrate substantial compliance with the work practices, monitoring and recordkeeping requirements of the odor control equipment with the exception of two condensers. The company reported flow rate excursions for the cooker condenser for the whole period, as well as failure to monitor and keep records of the operation of the hair hydrolyzer condenser for the whole period. Swift reported in March of this year that it had installed meters to monitor the hair hydrolyzer condenser, and this month submitted an application requesting to discontinue monitoring the cooker condenser.

The company's operating permit requires it to test the control devices associated with the inedible rendering unit by August 14, 2013. Swift conducted the stack tests (41 days late) and submitted reports (478 days late) showing that it was unable to determine the process rate achieved during testing. The company has submitted a plan for performance testing of the odor control devices by April 2016.

The District has assessed, and the company has agreed to pay, \$51,750 as an administrative penalty to resolve these alleged violations. The District will recommend adoption by the Board of the Agreed Board Order as proposed.

The District has also alleged that Swift failed to control odors on 74 days dating back to February, 2011, and the District has assessed \$142,000 in penalties for these violations. The District has been unable to resolve these violations, however, so last week the District filed a petition requesting an administrative hearing.

Statements

Dennis Conniff, a representative of Swift, stated that Swift accepted the penalty that was proposed by the District and asked that the Board approve the Agreed Board Order.

Secretary-Treasurer Hamilton reported that the District received several comments in writing during the public comment period. Copies of the comments were provided to Board for their review and included as part of the record for the public hearing.

Mr. Jacob asked when the administrative hearing would be held. Ms. Dott, Assistant Jefferson County Attorney, reported that there will be a conference call in January, which will include schedules for discovery and other documents, and setting the hearing date. Usually, it may be somewhere from seven months to a year before the hearing process is completed.

Mr. Jacob asked what happens at the end of the hearing. Ms. Dott explained that the Hearing Officer will hear the matter and make rulings, and findings, that will be presented in a form of a Recommended Order to the Board, which the Board can adopt in part or in whole, or as it sees fit.

Ms. Dott reminded the Board members that the matter will ultimately come before the Board and advised that the Board not discuss the matter with anyone prior to that time. If the public has questions about the hearing they can direct those to the District. Questions from Board members about the hearing process should be directed to Ms. Dott.

Mr. Talley offered to provide a presentation to the Board about the hearing process sometime after the conference call in January.

Adjourn

The public hearing adjourned at 10:16 a.m.

Robert W. Powell
Chairman

Rachael Hamilton
Secretary-Treasurer