

**Agreed Board Order No. 03-01**

**AIR POLLUTION CONTROL BOARD OF JEFFERSON COUNTY**

This order is issued by the Air Pollution Control Board of Jefferson County (Board) pursuant to Kentucky Revised Statutes Chapter 77 (AIR POLLUTION CONTROL).

**COMPANY:** Metropolitan Sewer District (MSD)  
700 West Liberty Street  
Louisville, Kentucky

**AFFECTED FACILITY:** Morris Forman Wastewater Treatment Plant (MFWTP)  
4522 Algonquin Parkway

**NOTICES OF VIOLATION:** No. 01161 dated May 4, 2001 (Incident Nos. 02472, 02473, 02496, & 02571)  
No. 01471 dated March 10, 2003 (Incident Nos. 03031 & 03117)  
No. 01219 dated April 29, 2003 (Incident Nos. 02610, 02662, 02705, 02719, 02725, 02726, 02743, 02740, 02742, 02802, 02867, & 02984)

**REGULATION INVOLVED:** 1.13 (Control of Objectionable Odors in the Ambient Air)

**HIGH PRIORITY VIOLATION:** No

**BACKGROUND AND DISCUSSION:**

MSD operates the Morris Forman Wastewater Treatment Plant (MFWTP) pursuant to Air Pollution Control District (APCD) operating permits. On September 20, 2000, the Board adopted an Order that provided for the elimination of the Zimpro solids handling system at the plant and that set forth a schedule for the design and installation of an Alternative Solids Processing (ASP) System. The Order provided for the completion of the work on the ASP Project by February 5, 2003. MSD agreed to the terms of the Order.

On January 24, 2003, MSD notified APCD that, while the ASP Project was near substantial completion, MSD did not expect to have completed the reliability testing by February 5, 2003, and therefore, requested an extension of the completion date. The parties agree to a revised completion date for the ASP of December 1, 2003.

APCD alleges that, on a number of days between March 1, 2001 and September 10, 2002, the MFWTP emitted objectionable odors to the ambient air beyond its property line, and, on several days, failed to report excess odors to APCD as required by Regulation 1.13. APCD further alleges that these objectionable odors were not construction-related and that MSD failed to take reasonable measures to minimize the odors.

To fully resolve the above-mentioned noncompliances with APCD Regulation 1.13, the parties agree to this Order requiring MSD to conduct one or more supplemental environmental projects (SEPs) with a SEP value not to exceed \$10,000. The SEP(s) shall be for equipment and training to aid APCD staff in the detection of, and the identification of the sources of, objectionable odors.

On September 17, 2003, a public hearing was held before the Board on the proposed agreed order. 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. MSD shall complete all work, including reliability testing, on the Alternative Solids Processing System by December 1, 2003.
2. MSD shall provide to the Louisville Metro Air Pollution Control District or its designee within 30 days of a request by APCD, an amount not to exceed \$10,000 for the cost of one or more supplemental environmental projects (SEP) for odor detection equipment and training. The APCD shall select the equipment or training for the SEP.
3. This Agreed Board Order No. 03-01 supersedes the above-mentioned Board Order dated September 20, 2000.
4. MSD has reviewed this Order and consents to all its requirements and terms. Further, MSD agrees to pay the cost of publishing legal notice on the public hearing.
5. In the event that it is necessary for APCD to seek a court order to enforce this Order, MSD agrees to pay filing fees and costs of any such action.
6. This Order fully resolves all allegations of noncompliance by MSD with Regulation 1.13 through June 30, 2003, and specifically resolves Incident Nos. 02472, 02473, 02496, 02571, 02610, 02662, 02705, 02719, 02725, 02726, 02743, 02740, 02742, 02802, 02867, 02984, 03031, and 03117.

Dated this 17<sup>th</sup> day of September, 2003.

AIR POLLUTION CONTROL BOARD  
OF JEFFERSON COUNTY

METROPOLITAN SEWER DISTRICT

By: \_\_\_\_\_  
Karen Cassidy, Ph.D.  
Chair

By: \_\_\_\_\_  
Herbert Shardein, Jr.  
Executive Director

LOUISVILLE METRO AIR POLLUTION  
CONTROL DISTRICT

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