

**AGREED BOARD ORDER NO. 05-03**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 03894**

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 Consolidated Container Company (Company).

**COMPANY:** Consolidated Container Company  
3101 Towercreek Pkwy, Ste 300  
Atlanta, Georgia 30339

**REGULATION INVOLVED:** 5.04 (Adoption of Federal Emission Standard for Asbestos)

**NOTICE OF VIOLATION LETTER:** No. 01688, dated February 11, 2005

**BACKGROUND AND DISCUSSION:**

Until June of 2004, the Company operated a plastic container blow-molding facility at 6300 Strawberry Lane in Louisville. On May 17, 2004, the Company notified the District that between October 2003 and December 2003, the Company conducted renovations on the southeast corner of the plant, in an area of the plant that contained friable asbestos-containing material (ACM). The Company reported that 300 linear feet of thermal insulation on piping containing ACM was removed sometime in late 2003.

The District alleges that the Company employees and other workers not trained in asbestos abatement removed pipe insulation which was known by the Company to contain asbestos, without prior notification to the District. The District further alleges that the Company failed to adequately wet the materials during abatement, to contain the materials properly to prevent its emission outside the work site, and to properly dispose of the ACM.

The District alleges that the Company violated the following federal regulations, incorporated by reference in District Regulation 5.04:

- 40 CFR 61.145(b)(1) – Failure to notify the District of intent to demolish and renovate
- 40 CFR 61.145(c) – Failure to adequately wet ACM and contain in leak-tight wrapping
- 40 CFR 61.145(c)(8) – Failure to have trained foreman/supervisor present
- 40 CFR 61.150(b) – Failure to properly transport and dispose of ACM
- 40 CFR 61.150(a) – Failure to prevent visible emissions of ACM
- 40 CFR 61.150(d) – Failure to keep disposal records of ACM.

To fully resolve the violations alleged above of District Regulation 5.04, the parties agree to this Order assessing against the Company an administrative settlement of \$51,300.

On April 20, 2005, a public hearing was held before the Board on the proposed settlement. 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. The Company will pay \$51,300 to the Louisville Metro Air Pollution Control District within 30 days of the adoption of this Order.

2. The Company has reviewed this Order and consents to all its requirements and terms. Further, the 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, the Company agrees to pay filing fees and costs of such action.

4. This Order fully resolves the violations alleged in District Incident No. 03894 and as alleged above in this Order.

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 the Order.

Dated this 20<sup>th</sup> day of April, 2005.

Louisville Metro Air Pollution Control Board

By: \_\_\_\_\_  
Karen A. Cassidy  
Chair

Consolidated Container Company, LLC

By: \_\_\_\_\_  
Louis Lettes  
Senior Vice President  
General Counsel

Louisville Metro Air Pollution Control District

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

Approved as to form and legality:

By: \_\_\_\_\_  
Lauren Anderson  
Assistant County Attorney

