

**AGREED BOARD ORDER NO. 05-07**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 03631 and 03193**

This order is issued by the Louisville Metro Air Pollution Control Board pursuant to Kentucky Revised Statutes Chapter 77, Air Pollution Control. This Agreement is made by and between the Board and The Courier-Journal and Louisville Times, a division of Gannett Kentucky Limited Partnership.

**COMPANY:** The Courier-Journal and Louisville Times, a division of Gannett Kentucky L.P.  
525 West Broadway  
Louisville, Kentucky 40202

**REGULATIONS INVOLVED:** 2.03 - Permit Requirements: Non-Title V Construction and Operating Permits and Demolition/Renovation Permits  
5.04 - Adoption of Federal Emission Standard for Asbestos

**NOTICE OF VIOLATION LETTER:** 01406, dated July 15, 2005

**BACKGROUND AND DISCUSSION:**

1. The Louisville Metro Air Pollution Control District alleges that the Company constructed, installed and commenced operation of equipment requiring a District permit prior to receiving a permit, in violation of District Regulation 2.03. During an inspection of the Company's facility in August 2002, a District representative was told that the Company had purchased new flexographic printing presses and begun construction of a facility to house them. On or about May 2, 2003, the Company began construction of infrastructure directly associated with air permit-required equipment. The District received the Company's initial permit application on July 23, 2003. The District then informed the Company that the application was not complete, and that an analysis of best available control technology was required. While the Company and the District negotiated the terms of the permit, the Company completed construction and installation of equipment including three plate processors, three offset printing presses, and an ink delivery system that includes two 7800 gallon tanks and three 3400 gallon tanks. The Company began operating the new equipment without a permit on or before July 13, 2004. The District issued construction permits nos. 308-03-C and 124-04-C on October 30, 2004.

2. On November 14, 2002, on behalf of the Company, a representative of an asbestos abatement firm informed the District that friable asbestos-containing pipe insulation had been removed at the Company. A sample taken by a District representative revealed that the material in fact contained asbestos (23% chrysotile). Approximately 400 linear feet of pipe

insulation had been removed without notification to the District in advance or use of proper work practices. The District alleges the following violations of 40 CFR Part 61 Subpart M, incorporated by reference in District Regulation 5.04:

- ☐ 40 CFR 61.145(b)(1) B Failure to notify the District of intent to demolish or renovate
- ☐ 40 CFR 61.145(c)(2) B Failure to adequately wet asbestos-containing material
- ☐ 40 CFR 61.145(c)(4) B Failure to contain in leak-tight wrapping
- ☐ 40 CFR 61.145(c)(6) B Failure to keep wet until disposal
- ☐ 40 CFR 61.145(c)(8) B Failure to have trained supervisor present

The Company denies it was in any way involved in any improper removal. However, the Company did not notify the police or conduct an internal investigation regarding the pipe removal.

To fully resolve the violations alleged above of District Regulations 2.03 and 5.04, the parties agree to this Order assessing against the Company an administrative settlement of \$75,000.

On October 19, 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 shall pay \$75,000 to the Louisville Metro Air Pollution Control District, receipt of which is hereby acknowledged.
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 Nos. 03631 and 03193.
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 19th day of October, 2005.

**Agreed Board Order No. 05-07**

**October 19,  
2005**

**The Courier-Journal and Louisville Times  
A Division of Gannett Kentucky L.P.**

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Louisville Metro Air Pollution Control Board

The Courier-Journal and Louisville Times, a  
division of Gannett Kentucky L.P.

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

By: \_\_\_\_\_  
Michael J. Przybylek  
Vice-President, Production

Louisville Metro Air Pollution Control  
District

Wyatt, Tarrant & Combs, LLP

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

By: \_\_\_\_\_  
George L. Seay, Jr.  
Counsel to Gannett Kentucky L.P.

Approved as to form and legality:

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