

LOUISVILLE METRO AIR
POLLUTION CONTROL BOARD
ADMINISTRATIVE ACTION NO. 05-LMAPD-0205

LOUISVILLE METRO AIR
POLLUTION CONTROL DISTRICT

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PETITIONER

v.

A.P.C.D.

ADMINISTRATION

LOUISVILLE PAVING COMPANY, INC.

RESPONDENT

Agent for
*** ** * *Jonathan L. Trout*
SECRETARY - TREASURER

ORDER

*** ** *

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77, Air Pollution Control, and District Regulation (D.R.) 1.19, Administrative Hearings.

The Louisville Metro Air Pollution Control District (District) filed a Petition for Administrative Hearing on May 2, 2005, naming as Respondent Louisville Paving Company, Inc. (Louisville Paving). The District filed a First Amended Petition for Administrative Hearing (Petition) on November 8, 2005. A hearing was held before Scott D. Majors of the Office of the Attorney General, Division of Administrative Hearings. The hearing was conducted over nine days, beginning February 1, 2006 and ending May 30, 2006.

On December 6, 2006, the Hearing Officer issued a Report containing Findings of Fact, Conclusions of Law and Recommended Order (Report) which affirmed most, but not all, of the allegations set forth in the District's Petition; adjudged Louisville Paving liable for most, but not all, of the violations set forth in the Petition; and assessed a civil penalty modified from the \$42,675 assessed by the District to \$41,650. Pursuant to KRS 77.310, Louisville Paving filed

exceptions to the Hearing Officer's Report. On March 16, 2007, the Board held a public hearing on the Report, followed by a special meeting to consider the Report. The Board having reviewed the Hearing Officer's Report and Louisville Paving's exceptions,

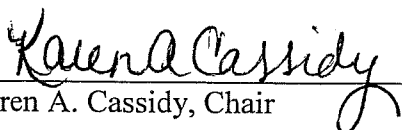
IT IS HEREBY ORDERED:

Pursuant to Louisville Paving's exceptions, the Board finds that Louisville Paving is not liable for the \$400 civil penalty assessed by the District for the violation of D.R. 1.14 alleged in paragraph 28 of the Petition. In all other respects, the Board adopts the Hearing Officer's Report containing Findings of Fact, Conclusions of Law and Recommended Order which: (1) AFFIRMS the allegations set forth in the District's First Amended Petition for Administrative Hearing, other than those expressly excepted in the Report or in this Order; (2) ADJUDGES Louisville Paving liable for the violations set forth in the District's First Amended Petition for Administrative Hearing, other than those expressly excepted in the Report or in this Order; and (3) ASSESSES a MODIFIED civil penalty in the amount of \$41,250 against Louisville Paving, to be paid no later than 30 days after this Order by the Board becomes final.

This is a final order which may be appealed pursuant to KRS 77.315.

Dated this 16 day of March, 2007:

LOUISVILLE METRO AIR
POLLUTION CONTROL BOARD



Karen A. Cassidy, Chair

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing **ORDER** was mailed to:

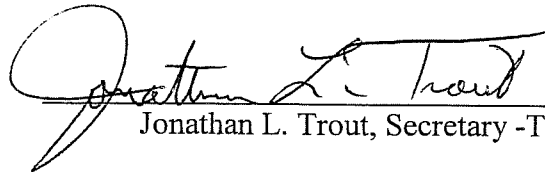
W. David Kiser
Ackerson & Yann
One Riverfront Plaza
401 West Main Street, Suite 1200
Louisville, Kentucky 40202

Counsel for Louisville Paving Company, Inc.

and hand-delivered to:

Lauren Anderson
Stacy A. Fritze
Assistant County Attorneys
Louisville Metro Air Pollution
Control District
850 Barret Avenue
Louisville, Kentucky 40204

this 16TH day of March, 2006.


Jonathan L. Trout, Secretary -Treasurer