

**AGREED BOARD ORDER NO. 07-04**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 04417 and 04418**

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes, Chapter 77 (Air Pollution Control).

**COMPANY:** Dixie Demolition, Inc.  
d/b/a Dixie Development, Inc.  
3321 S. Seventh Street  
Louisville, Kentucky 40256

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

**NOTICE OF VIOLATION LETTER:** No. 01877, dated May 17, 2007

**BACKGROUND AND DISCUSSION:**

Company served as an asbestos abatement contractor during the renovation of the former Fischer Packing Company, now the Mellwood Arts and Entertainment Center (Center), located at 1860 Mellwood Avenue in Louisville, Kentucky.

Company submitted a courtesy asbestos notification to the District on or about November 14, 2003, prior to the renovation of the boiler room at the Center. The notification stated that an asbestos survey had been conducted. When the District requested a copy of the asbestos survey, the owner of the Center admitted that no survey had been conducted prior to the removal of the asbestos.

Company also reported the removal of asbestos-containing pipe insulation on October 31, 2005. Company stated that the project was covered by a notification originally submitted in May, 2005. However, that notification had expired in September, 2005.

District Regulation 5.04 adopts by reference the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Asbestos found at 40 CFR Part 61, Subpart M. The District alleges that Company failed to comply with the requirements of the NESHAP by failing to notify the District of intent to renovate prior to removal of asbestos-containing material in 2005, and failing to thoroughly inspect prior to removal of asbestos-containing materials in 2003.

On August 15, 2007, 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. Company shall pay \$5,625 to the Louisville Metro Air Pollution Control District in accordance with the following terms: three (3) monthly installments of \$1,400 on September 1, October 1, and November 1, 2007, and one final payment of \$1,425 on December 1, 2007.
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 against the Company in District Incident Nos. 04417 and 04418 and as alleged above in this Order.
5. Neither this Order nor the actions taken hereunder shall constitute an admission by the Company of any wrongdoing, or an admission of liability for any of the matters referenced in the Order.

Dated this 15th day of August, 2007.

LOUISVILLE METRO AIR POLLUTION  
CONTROL BOARD

DIXIE DEMOLITION, INC..  
d/b/a/ DIXIE DEVELOPMENT, INC.

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

By: \_\_\_\_\_  
Robert Alberhasky  
President

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