

**AGREED BOARD ORDER NO. 09-04**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 04900, 04901 and 05022**

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 Ralph Avenue Recycling Center LLC (Company).

**COMPANY:** Ralph Avenue Recycling Center LLC  
3400 Vogt Avenue  
Louisville, KY 40211

**REGULATIONS INVOLVED:**

- 1.13 Control of Objectionable Odors in the Ambient Air
- 1.14 Control of Fugitive Particulate Emissions

**NOTICE OF VIOLATION LETTERS:** No. 02008, dated October 31, 2008  
No. 02054, dated February 17, 2009

**BACKGROUND AND DISCUSSION:**

Company operates a landfill located at 3400 Vogt Avenue in Jefferson County, Kentucky, which is authorized by the Kentucky Division of Waste Management to accept construction & demolition waste. The District has received numerous complaints alleging excessive odors at the landfill, from citizens living near the facility. District Regulation 1.13 prohibits the emission into the ambient air of any substance that creates an objectionable odor beyond the property line. District compliance officers documented that on at least ten days, from March 17 to December 11, 2008, Company emitted, or caused to be emitted, into the ambient air, a substance that created an objectionable odor beyond Company's property line. The odors were described as having a very strong, highly objectionable odor, similar to hydrogen sulfide, or rotting material.

On or about March 17, 2008, District officials observed municipal waste, including tires, plastic containers, mattresses, and garbage bags, present at the landfill, and contributing to off-property odor. On or about March 28, 2008, the Metro Division of Solid Waste Management issued a citation to Company for improper disposal of municipal waste at the site and required Company to remove the unauthorized materials from the landfill.

Company has submitted a plan that provides for the sampling and analysis of emissions from the landfill, in the event that off-property odors reoccur. In addition, Company has also advised the District of its intent to close the cell from which the odors are believed to have

originated, by the end of this year. The District has received no complaints of odors from the site since December, 2008.

The District has also received complaints regarding excessive dust at the facility. District Regulation 1.14 requires Company to control fugitive particulate emissions at the landfill. On or about August 8 and 11, 2008, the District documented that Company failed to control fugitive particulate emissions, causing dust to settle on nearby residential property, and creating a nuisance to neighbors.

Company reports that it has expended approximately \$30,000 on a dust suppression system, including a well, water tanks, rotor sprayers, and a water truck. The District has not received complaints of fugitive dust from the landfill since October, 2008.

To fully address the violations alleged above of District regulations, the parties agree to this Order assessing against Company an administrative settlement of \$8,625.

On September 16, 2009, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. Company shall pay \$8,625 to the Louisville Metro Air Pollution Control District on or before September 16, 2009.
2. Company agrees to investigate all complaints of off-property odors as requested by the District, in accordance with the Contingency Monitoring Plan for Odor Episodes (Plan), which was submitted to the District on May 8, 2009. Plan shall remain in effect for two years from the date of this Order.
3. Company has reviewed this Order and consents to all its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.
4. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.
5. This Order fully resolves the violations alleged in District Incident Nos. 04900, 04901 and 05022, and Notice of Violation Letter Nos. 02008 and 02054, as alleged above in this Order.
6. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in this Order.

Dated this 16th day of September, 2009.

Louisville Metro Air Pollution Control Board

By: \_\_\_\_\_  
Robert W. Powell, M.D.  
Chair

Ralph Avenue Recycling Center, LLC.

By: \_\_\_\_\_  
Clyde V. Bennett, IV  
President

Louisville Metro Air Pollution Control District

By: \_\_\_\_\_  
Terri E. Phelps  
Enforcement Manager

Approved as to form and legality:

By: \_\_\_\_\_  
Stacy Fritze Dott  
Assistant County Attorney