

**AGREED BOARD ORDER NO. 13-05**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 06296, 06334, 06370 and 06384**

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 Advance Ready-Mix Concrete, Inc., a Kentucky corporation (Company), and is effective on the date of its adoption by the Board.

**COMPANY:** Advance Ready-Mix Concrete, Inc.  
161 N. Shelby Street  
Louisville, KY 40202

**REGULATIONS INVOLVED:**

District Regulation 1.05: Compliance with Emission Standards and Maintenance Requirements  
District Regulation 1.07: Excess Emissions During Startups, Shutdowns, and Upset Conditions  
District Regulation 1.14: Control of Fugitive Particulate Emissions  
District Regulation 2.03: Permit Requirements - Non-Title V Construction and Operating Permits and Demolition/Renovation Notices

**NOTICE OF VIOLATION LETTER:** No. 02408, dated December 24, 2012

**BACKGROUND AND DISCUSSION:**

Company operates several concrete ready-mix mixing stations within Jefferson County subject to District-issued permits. The District alleges that while operating two of the stations, Company failed to use reasonable precautions to control fugitive particulate emissions, failed to operate equipment in a manner consistent with good practices for minimizing emissions, failed to perform structural and mechanical visual inspections, failed to properly perform visual emission surveys (VESs), failed to report VESs to the District in a 2011 report, failed to properly notify the District of an upset condition in 2012 and submit corresponding reports, and exceeded its particulate matter emissions permit limit on one occasion in 2012.

The District began to receive citizen complaints regarding excessive dust at two of Company's mixing stations in the summer of 2012. In responding to the complaints, the District observed Company allowing large amounts of dust to become airborne on three separate occasions. The District observed trucks exiting the work sites creating large dust clouds and depositing dust on nearby roadways. The District also observed large amounts of dust coming from an old silo, and observed Company continuing to operate equipment without adequate monitoring and despite signs of equipment failure. Company failed to use reasonable precautions, such as using watering trucks and conducting required mechanical repairs, to prevent dust from becoming airborne.

On August 7, 2012, the District received another complaint about excessive dust from the silo. Company stated that a bag got caught in the blower motor of the fly ash silo causing the hatch to blow off the baghouse, which resulted in a large release of fly ash. Company failed to provide required written reports about the incident to the District. The District requested the reports, which showed approximately 500 pounds of fly ash were emitted into the air in 15 minutes. Company's particulate matter permit limit is 22.17 lb/hr. At the same time, Company stated the silo would be shut down for repairs. The District discovered that Company continued to operate the silo without repairs being conducted, or working controls, and caused additional excess emissions.

In September of 2012, the District conducted an inspection of the facility. The District reviewed emissions records for the past five years and discovered that Company had failed to perform structural and mechanical visual inspections as required by its permits from 2008 to the present; failed to properly perform VESs required by its permits in 2012; and failed to report VESs to the District in its second semi-annual report for 2011 as required by its permits.

To fully address the violations of District Regulations 1.05, 1.07, 1.14, and 2.03 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$24,625. Company has also agreed to comply with a fugitive dust control plan and conduct regular visual integrity inspections, VESs, and mechanical repairs. On August 21, 2013, a public hearing was held before the Board on this proposed Order. Based upon the information presented at the 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 \$24,625 to the Louisville Metro Air Pollution Control District by September 15, 2013.
2. 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.
3. 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.

4. This Order fully resolves the violations alleged in District Incident Nos. 06296, 06334, 06370, and 06384, 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 this Order.

Louisville Metro Air Pollution Control Board

Advance Ready-Mix Concrete, Inc.

By: Robert W Powell M.D.  
Robert W. Powell, M.D.  
Chairman

By: Camilla Abel Schroeder  
Camilla Abel Schroeder  
President

Date: Aug 21, 2013

Date: 8/14/13

Louisville Metro Air Pollution Control District

By: Terri Phelps  
Terri Phelps  
Enforcement Manager

Date: 8-21-13

Approved as to form and legality:

By: Stacy Fritze Dott  
Stacy Fritze Dott  
Assistant County Attorney