

AGREED BOARD ORDER NO. 14-02

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06300

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 The Hertz Investment Group, Inc. (Company), a California corporation, and Hertz Starks Building, LLC (Owner), a Delaware company, and is effective on the date of its adoption by the Board.

COMPANY: The Hertz Investment Group, Inc.
455 South Fourth Street
Louisville, KY 40202

REGULATIONS INVOLVED:

District Regulation 2.03: Authorization to Construct or Operate; Demolition/Renovation Notices and Permit Requirements
District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

NOTICE OF VIOLATION LETTER: No. 02416, dated June 6, 2014

BACKGROUND AND DISCUSSION:

Company operates the Starks Building located at 455 South Fourth Street in Louisville, Kentucky, while Hertz Starks Building, LLC owns the building. On March 23, 2012, the Louisville Metro Air Pollution Control District (District) responded to a complaint that asbestos flooring had been improperly removed from the 14th floor of the Starks Building. The District observed two piles of debris that contained suspect flooring materials where a renovation was taking place. The District took samples of the materials and advised Company to restrict the area and conduct air monitoring to see if asbestos fibers had been released into the air. MRS, Inc. tested the District samples and determined that one sample from the debris tested negative for asbestos, however the other sample tested positive for 18% asbestos. A complete determination of the quantity of asbestos originally present could not be made due to previous removal, however the total renovated area measured 245 square feet.

Upon the District's discovery of the asbestos, Company restricted access to the renovated area and conducted air monitoring which found air quality to be within acceptable limits.

Company also arranged for a certified asbestos abatement contractor, HCL, Inc. to properly remove and dispose of any remaining asbestos.

To fully address the violations of District Regulations 2.03 and 5.04 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$7,500. On September 17, 2014, 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 \$7,500 to the Louisville Metro Air Pollution Control District in 3 monthly installments of \$2,500 due on October 9, November 9 and December 9, 2014.

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 No. 06300, and as alleged above in this Order against Company and Owner.

5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company or Owner of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

The Hertz Investment Group, Inc.

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

By: Mendel Hertz
Mendel Hertz
Partner

Date: Sep 17, 2014

Date: 9/15/14

Louisville Metro Air Pollution Control District

Hertz Starks Building, LLC

By: Matt King
Matt King, P.E.
Compliance and Enforcement Manager

By: Mendel Hertz
Mendel Hertz
Manager

Date: 9/15/14

Date: 9/15/14

Approved as to form and legality:

By: Stacy Fritze Dott
Stacy Fritze Dott
Assistant County Attorney