

**AGREED BOARD ORDER NO. 14-03**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 06360 and 06563**

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 Swift Pork Company (Company), a Delaware corporation, and is effective on the date of its adoption by the Board.

**COMPANY:** Swift Pork Company  
1200 Story Avenue  
Louisville, KY 40206

**REGULATIONS INVOLVED:**

District Regulation 2.17: Federally Enforceable District Origin Operating Permits

**NOTICE OF VIOLATION LETTER:** No. 02471, dated March 7, 2014

**BACKGROUND AND DISCUSSION:**

Company operates a meat processing plant subject to Federally Enforceable District Origin Operating Permit (FEDOOP) 111-01-F (R4) and several construction permits. The expiration of Company's FEDOOP prompted a review of compliance with the permits, which found several reporting and monitoring deviations.

In 2009, Company reported that the flow meters for the Venturi scrubber and upper room air scrubber, which help control odors, malfunctioned most of a six-month semi-annual period. In 2010 and 2011, Company again reported that the flow meter for the Venturi scrubber was not functioning. Nonetheless, Company failed to report the non-compliance in 2012 reports. The Louisville Metro Air Pollution Control District (District) also discovered Company was not keeping complete records for four scrubbers and a condenser, which help control odors, as required by its permits. Records also showed an excursion from permitted limits for one of the scrubbers on one day in 2013.

Additionally, Company failed to report monthly or 12-month rolling plant-wide particulate matter (PM) emissions in 2009, 2010, 2011, and 2012 semi-annual compliance

reports. Company also failed to report plant-wide carbon monoxide (CO) and carbon dioxide equivalent (CO<sub>2e</sub>) greenhouse gas emissions in one semi-annual 2011 compliance report, and in both 2012 semi-annual compliance reports. Company also failed to submit its 2012 Annual Compliance Certification on time.

In order to demonstrate compliance with the reporting and monitoring requirements, Company submitted a complete Annual Compliance Certification in August, 2013, that addressed the reporting requirements for PM, CO and CO<sub>2e</sub>. Company also demonstrated that it had begun to properly monitor the odor control equipment and keep complete records in July, 2013.

To fully address the violations of District Regulation 2.17 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$24,550. On October 15, 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 \$24,550 to the Louisville Metro Air Pollution Control District by October 15, 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 Nos. 06360 and 06563, and as alleged above in this Order against Company.
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

Swift Pork Company

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

By: John Cliff  
John Cliff  
Plant Manager

Date: Oct. 15, 2014

Date: 10-13-14

Louisville Metro Air Pollution Control District

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

Date: 10/14/14

Approved as to form and legality:

By: Stacy Fritze Dott  
Stacy Fritze Dott  
Assistant County Attorney