

AGREED BOARD ORDER NO. 14-05

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 05912, 06158, 06174, 06178, 06201, 06211, and 06583

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 Waste Management of Kentucky, L.L.C. (Company), a Delaware company, and is effective on the date of its adoption by the Board.

COMPANY: Waste Management of Kentucky, L.L.C.
2673 Outer Loop
Louisville, KY 40219

REGULATIONS INVOLVED:

District Regulation 1.13: Control of Objectionable Odors in the Ambient Air
District Regulation 2.16: Title V Operating Permits

NOTICE OF VIOLATION LETTER: No. 02262, dated April 5, 2013
No. 02553, dated February 24, 2014

BACKGROUND AND DISCUSSION:

Company operates the Outer Loop Recycling and Disposal Facility pursuant to Louisville Metro Air Pollution Control District (District) Title V permit 149-97-TV (R1). Company reported to the District in semi-annual reports from 2008 to 2012 that it failed in 119 instances to correct pressure, oxygen and temperature operating limit exceedances at collection wells in its gas collection and control system (GCCS) within 15 days or to expand its GCCS within 120 days. The requirement to repair within 15 days or to expand the system within 120 days is part of both the federal New Source Performance Standard (NSPS) and the National Emission Standard for Hazardous Air Pollutants (NESHAP) for municipal solid waste landfills. All of the exceedances reported by the Company have been corrected by repair or by expansion of the system.

Additionally, the District alleges that on seven days between 2011 and 2013, Company allowed objectionable odors to leave the property site and cause a nuisance to citizens, resulting in complaints to the

District. On one of those occasions, Company failed to report a discharge that contributed to the objectionable odor. Company submitted the excess emission report on May 17, 2013.

To fully address the violations of District Regulations 1.13 and 2.16 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$43,875. On November 19, 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 \$43,875 to the Louisville Metro Air Pollution Control District by December 19, 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. 05912, 06158, 06174, 06178, 06201, 06211, and 06583, 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

Waste Management of Kentucky, L.L.C.

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

By: John Van Gessel
John Van Gessel
Vice President and Assistant Secretary

Date: Nov 19, 2014

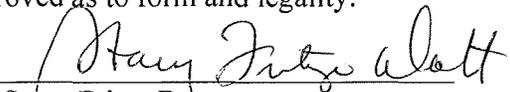
Date: November 11, 2014

Louisville Metro Air Pollution Control District

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

Date: 11/19/14

Approved as to form and legality:

By: 
Stacy Fritze Dott
Assistant County Attorney