

**AGREED BOARD ORDER NO. 14-06**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 06590**

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 Bachelor Land Holdings, LLC (Company), a Delaware company, and is effective on the date of its adoption by the Board.

**COMPANY:** Bachelor Land Holdings, LLC  
501 South Fourth Street  
Louisville, KY 40202

**REGULATIONS INVOLVED:**

District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

**NOTICE OF VIOLATION LETTER:** No. 02579, dated August 1, 2014

**BACKGROUND AND DISCUSSION:**

Company conducted a renovation at the former Hilliard Lyons building on South Fourth Street. Company submitted notification of the renovation and abatement of asbestos on August 6, 2013. An asbestos survey was submitted with the notification that included 12,961 square feet of asbestos-containing material (ACM) in the basement and on the second floor; however, this material was not included in the notification of the asbestos to be abated. The Louisville Metro Air Pollution Control District (District) inspected the facility prior to issuing the abatement permit.

Over the course of several inspections at the facility, the District discovered that a large amount of ACM had been disturbed and removed from the facility. The District obtained two asbestos surveys for the facility compiled by Micro-Analytics. The first survey was conducted in July 2007 and the second one was conducted in June of 2013. A comparison of the surveys revealed a large amount of ACM had been disturbed and removed during this time.

The District discovered that approximately 33,866 square feet of asbestos-containing floor tile that appeared in the 2007 survey was not present in the 2013 survey. The District's

inspections revealed that nearly all the floor tile had been removed from basement and second floor of the facility. Both surveys also indicated approximately 12,961 square feet of asbestos-containing mirror mastic had been present in the basement and on second floor. The District discovered approximately 4,000 square feet of mirror mastic had been removed and that the remaining mirror mastic had been disturbed but remained on site.

Company's abatement contractor, Interstate Environmental Services, secured the remaining asbestos, and conducted air sampling. The contractor submitted revised notifications for the abatement project, and the District issued abatement permits for removal of the remaining asbestos.

To fully address the violations of District Regulation 5.04 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$50,000. 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 \$50,000 to the Louisville Metro Air Pollution Control District by November 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 No. 06590, 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

Bachelor Land Holdings, LLC

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

By: Eric Bachelor  
Eric Bachelor  
Manager

Date: Nov. 19, 2014

Date: 11-19-2014

Louisville Metro Air Pollution Control District

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

Date: 11/18/14

Approved as to form and legality:

By:   
Stacy Fritze Dott  
Assistant County Attorney