

AGREED BOARD ORDER NO. 15-01

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06559

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 Phil Wells (Citizen), and is effective on the date of its adoption by the Board.

CITIZEN: Phil Wells
10611 Chertsey Place
Louisville, KY 40243

REGULATION INVOLVED:

District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

NOTICE OF VIOLATION LETTER: No. 02542, dated January 7, 2014

BACKGROUND AND DISCUSSION:

On August 8, 2013, the Louisville Metro Air Pollution Control District (District) received a Demolition Notification for 2313 Lexington Road from an individual on behalf of Citizen. The individual stated that the property had already been demolished but Louisville Metro Inspection, Permits, and Licenses had requested a wrecking permit sign-off from the District.

The District inspected the property and found that almost all of the building had been demolished. The District collected four samples from some remaining debris and submitted them to MRS, Inc. for asbestos analysis. All four samples tested negative. Citizen provided an asbestos survey for what remained of the structure on September 6, 2013. The survey reported that no asbestos was found in the remaining structure.

The District alleges Citizen violated District Regulation 5.04 that requires Citizen to perform a thorough inspection for the presence of asbestos and to notify the District before a demolition project begins.

To fully address the violations of District Regulation 5.04 alleged above, the parties agree to this Order assessing against Citizen an administrative settlement of \$6,500. On February 18, 2015, 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. Citizen shall pay \$6,500 to the Louisville Metro Air Pollution Control District by February 18, 2015.

2. This Order fully resolves the violations alleged in District Incident Nos. 06559, and as alleged above in this Order against Citizen.

3. Neither this Order nor the actions taken hereunder shall constitute an admission by Citizen of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

Phil Wells

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

By: Phil Wells
Phil Wells
Citizen

Date: Mar 18, 2015

Date: 2-13-15

Louisville Metro Air Pollution Control District

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

Date: 2/17/15

Approved as to form and legality:

By: Stacy Fritze Dott
Stacy Fritze Dott
Assistant County Attorney