

AGREED BOARD ORDER NO. 15-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06528

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 James Butt d/b/a J. Butt Rentals, LLC (Company), and is effective on the date of its adoption by the Board.

COMPANY: James Butt d/b/a J. Butt Rentals, LLC
11604 Main Street
Louisville, KY 40243

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
District Regulation 5.13: Additional Control Standards for Asbestos Removal

NOTICE OF VIOLATION LETTER: No. 02582, dated August 5, 2014

BACKGROUND AND DISCUSSION:

On March 20, 2013, the Louisville Metro Air Pollution Control District (District) received a complaint from the Middletown Fire Department that during a building inspection, the Fire Marshall discovered that suspect asbestos-containing duct work had been removed from the basement of a building located at 11604 Main Street. The District inspected the building and discovered asbestos-containing duct work had been removed and replaced, and observed suspect asbestos-containing material scattered throughout the basement. The District submitted two samples of suspect asbestos-containing materials (ACM) collected from the basement to MRS, Inc. MRS reported that the sample results were 58% Chrysotile and 60% Chrysotile, respectively. The District estimated the duct work to measure 87 linear feet, and that the entire basement containing 1,800 square feet had been contaminated. The District learned that the duct work was removed by a contractor hired by Company to replace a furnace.

After the discovery of the contamination, Company secured the basement and hired an asbestos abatement contractor to properly remove the remaining ACM. The District inspected and took multiple wipe samples from the first and second floors of the building, which were occupied by two commercial tenants and one residential tenant. The wipe samples were negative for asbestos fibers, and air samples taken following the asbestos abatement met the District's clean-up standard. The District alleges that Company failed to conduct a thorough inspection prior to disturbing asbestos, failed to submit proper notification to the District for a renovation project involving asbestos, and failed to take reasonable precautions to prevent the release of asbestos into the air during a renovation project.

To fully address the violations of District Regulations 2.03, 5.04 and 5.13 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$5,000. On May 20, 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. Company shall pay \$5,000 to the Louisville Metro Air Pollution Control District by June 19, 2015.
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. 06528, 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

James Butt, d/b/a J. Butt Rentals, LLC

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

By: James Butt
James Butt
Owner

Date: May 20, 2015

Date: 5-21-15

Louisville Metro Air Pollution Control District

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

Date: 5/19/15

Approved as to form and legality:

By: Stacy Fritze Dott
Stacy Fritze Dott
Assistant County Attorney