AGREED BOARD ORDER NO. 15-08

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 06703, 06727 and 06728

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 LETTERS: No. 02599, dated February 13, 2015
No. 02607, dated November 3, 2015

BACKGROUND AND DISCUSSION:

Company operates a pork processing facility pursuant to Louisville Metro Air Pollution Control District (District) federally-enforceable operating Permit No. 111-01-F (R6). On September 2, 2014, Company submitted its semi-annual report for the first semi-annual period of 2014. Company reported that it failed to operate its odor control devices within ranges specified by its operating permit, failed to conduct work practices to control odors, and failed to monitor and keep records of the operation of odor control devices as required by its permit.

Company reported that it failed to monitor and record parameters for the 75K scrubber, 40K scrubber and Venturi scrubber, which control odors from the inedible rendering operation; reported numerous excursions from the permitted ranges for the three scrubbers; reported excursions of the flow rate on the cooker condenser for the entire reporting period or 130 days; and failed to monitor and record the water outlet temperature, exhaust temperature and flow rate on the hair hydrolyzer condenser for the entire reporting period or 130 days. Company also reported failure to conduct daily inspections of the wastewater treatment plant and 20K scrubber between January 1 and February 10, 2014, to monitor and record operating parameters from the

20K scrubber which controls odors from the wastewater treatment plant, and reported numerous excursions from the permitted ranges for this scrubber.

Company submitted its report for the second semi-annual period of 2014 in March, 2015, demonstrating substantial compliance with the work practices, monitoring, and recordkeeping requirements for the odor control devices during the period, with two exceptions. Company reported excursions of the flow rate on the cooker condenser for the entire reporting period or 129 days, and that it failed to monitor and record the water outlet temperature, exhaust temperature, and flow rate on the hair hydrolyzer condenser for the entire reporting period, or 129 days.

Company reported that it has installed meters to monitor the hair hydrolyzer condenser and has been monitoring and keeping records of its operation since March 2, 2015. Company has also submitted an application to modify its requirement to monitor the flow rate of the cooker condenser.

Company's permit required it to test control devices associated with the inedible rendering unit by August 14, 2013, and to submit the test report within 60 days of test completion, including documentation that the testing was performed at 90% of maximum production. Company performed the testing 41 days late and submitted the test report 478 days late. The report did not include information to determine the process rate achieved during testing. Company has submitted a plan for providing for performance testing of the odor control devices.

To fully address the violations of District Regulations 2.17 alleged above, the parties agree to this Order assessing against Company an administrative settlement of $51,750. On December 16, 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 $51,750 to the Louisville Metro Air Pollution Control District by January 15, 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 Nos. 06703, 06727 and 06728, 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

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

Date: Dec 16, 2015

Swift Pork Company

By: John Cliff
John Cliff
Plant Manager

Date: 12-8-15

Louisville Metro Air Pollution Control District

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

Date: 12/4/15

Approved as to form and legality:

By: Stacy Fritzé Dott
Stacy Fritzé Dott
Assistant County Attorney