

AGREED BOARD ORDER NO. 16-05

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06772

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 the University of Louisville (University), a Kentucky non-profit corporation, and is effective on the date of its adoption by the Board.

COMPANY: University of Louisville
1800 Arthur Street
Louisville, KY 40292

REGULATIONS INVOLVED:

District Regulation 5.04: Adoption of Federal Emission Standard for Asbestos

NOTICE OF VIOLATION LETTER: No. 02641, dated January 5, 2016

BACKGROUND AND DISCUSSION:

On July 30, 2015, the Louisville Metro Air Pollution Control District (District) issued an asbestos permit to the University authorizing asbestos abatement of “new floors, ceilings, and furnishings” in the Natural Sciences Building. The University indicated that no other asbestos containing material (ACM) would be disturbed during the project. Shortly thereafter, the University’s abatement contractor submitted two revisions to the project, stating that wall demolition had uncovered additional ACM; however, wall demolition was not included in the original description of the project, nor was it included in the asbestos survey submitted.

On August 26, 2015, the District requested that the University stop all renovation and abatement work in the building until an inspection could be performed. That same day the District performed an inspection and observed three rooms in which walls had been removed. The District also observed partially removed asbestos-containing mastic on the base of the remaining perimeter walls, and the walls of one room where additional mastic from wall boards and a sink top had been uncovered and disturbed. The District further observed 30 linear feet of asbestos-containing thermal system insulation (TSI) above a drop ceiling in the hallway that had been the subject of one revision. The TSI was primarily intact except for the ends of the pipes

which were exposed and dry, and extended into the classrooms. The University stated that no inspection was made above the drop ceiling and the pipe ends were exposed during wall demolition that was performed by untrained workers.

The District requested, and the University provided additional asbestos surveys, a report that the remaining asbestos-containing base mastic had been sealed, and a report that showed sampling of the additional wall mastic that remained did not contain asbestos. The District re-inspected the facility on August 28, 2015, and released the project for further renovation activities.

The District alleges the University failed to thoroughly inspect above the drop ceilings in the renovation area for asbestos before conducting renovations that disturbed asbestos-containing pipe insulation; failed to properly notify the District of the scope of the renovation project; and allowed asbestos-containing pipe insulation to be disturbed during renovation activities by untrained workers, and then failed to adequately wet, containerize and promptly and properly dispose of the ACM.

To fully address the violations of District Regulation 5.04 alleged above, the parties agree to this Order assessing against the University an administrative settlement of \$5,425. On July 20, 2016, 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.

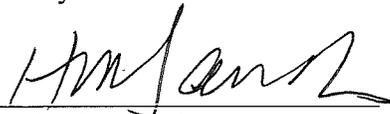
NOW, THEREFORE BE IT ORDERED THAT:

1. The University shall pay \$5,425 to the Louisville Metro Air Pollution Control District by July 15, 2016.
2. The University has reviewed this Order and consents to all its requirements and terms. The University 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, the University agrees to pay filing fees and costs of such action.
4. This Order fully resolves the violations alleged in District Incident No. 06772, and as alleged above in this Order against the University.
5. Neither this Order nor the actions taken hereunder shall constitute an admission by the University of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

University of Louisville

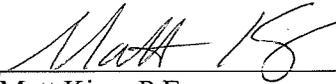
By: 
Robert W. Powell, M.D.
Chairman

By: 
Harlan Sands
Sr. VP, Finance and Administration

Date: July 20, 2016

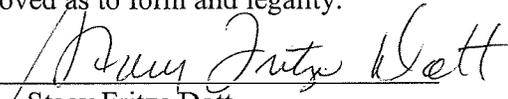
Date: 6-16-16

Louisville Metro Air Pollution Control District

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

Date: 7/15/16

Approved as to form and legality:

By: 
Stacy Fritze Dott
Assistant County Attorney