

**AGREED BOARD ORDER NO. 17-04**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Case No. ENF-17-1002**

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:** Case No. ENF-17-1002, dated March 30, 2017

**BACKGROUND AND DISCUSSION:**

Company operates a pork processing plant pursuant to Louisville Metro Air Pollution Control District (District) federally-enforceable operating permit no. 111-01-F. On November 30, 2016, the District performed a regular unannounced inspection of the facility. During the inspection, the District observed a large tear in a flexible rubber flex connector linking two scrubber fans to a combined stack, with a strong rendering odor coming from it. The District also discovered the flow rate gauge was not in operation, and therefore the readings that were required every 8 hours were not accurate.

During an inspection of the basement, the District observed liquid draining from the roof of the basement, and through the floor drains above, which should have been piped to a drain and not allowed to fall uncontrolled; a drain pipe discharging fat without a proper drain; a pump gushing waste water around a waste water tank with a blown gasket; and greasy material accumulating around joints between fans and ductwork. Finally, a review of records indicated numerous missing readings, as well as records indicating dirty or malfunctioning equipment without any accompanying records of repair.

On March 8, 2017, Swift submitted its Annual Compliance Report for 2016. The report showed approximately 60 required inspections that were missed. Nine pieces of equipment had a significant amount of missed records which made it difficult to determine if processes and controls were operating as designed. Thirty of the required inspections for these pieces of equipment had multiple deficiencies.

To fully address the violations of District Regulation 2.17 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$60,000. On August 16, 2017, 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 \$60,000 to the Louisville Metro Air Pollution Control District by August 31, 2017.

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 obtain 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 Case No. ENF-17-1002, 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

Swift Pork Company

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

By: Peter Charboneau  
Peter Charboneau  
Vice President and General Manager

Date: Aug 16, 2017

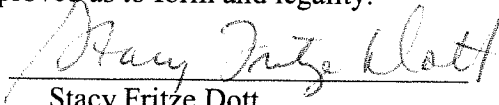
Date: 8-4-17

Louisville Metro Air Pollution Control District

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

Date: 8/9/17

Approved as to form and legality:

By:   
Stacy Fritze Dott  
Assistant County Attorney