

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
August 15, 2007**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on August 15, 2007, at 10:05 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chair, Dr. Karen Cassidy.

General Statement, Rules, and Purpose

The Chair read the opening announcement, rules, and purpose of the public hearing, which was to review two proposed Agreed Board Orders.

1. Agreed Board Order with Lubrizol Advanced Materials, Inc. (formerly Noveon, Inc.)

Terri Phelps, Enforcement Supervisor, explained that the District had alleged that Lubrizol Advanced Materials, Inc., (Lubrizol) violated the National Emission Standard for Hazardous Air Pollutants. The alleged violations were observed by District staff during inspections of the facility. There were also deviations from Lubrizol's permit that were reported by the company in its required periodic reporting to the District. The District's allegations included the following violations: (1) excess vinyl chloride emissions discharged to the atmosphere on two occasions and in the wastewater on two occasions, (2) missed leak detection and preventive maintenance inspections, (3) failure to keep records or to report to the District, (4) failure to comply with detector calibration and sampling procedures, and (5) improperly conducting visible emissions monitoring.

Ms. Phelps said that the company has changed its procedures and has retrained employees regarding vinyl chloride equipment and monitoring and has purchased new portable detectors. Furthermore, the company has agreed to petition the U.S. EPA for an exemption to its sampling requirements, submit a revised monitoring plan to the District, and to install some new equipment to prevent future excess emissions. The company has agreed to pay an administrative penalty of \$110,700. Ms. Phelps stated that the District recommends that the Board adopt the Agreed Board Order as proposed.

Ms. Phelps acknowledged the significant contribution of Assistant County Attorney Stacy Fritze, who put in countless hours towards the prosecution and settlement of this case as well as the Mellwood Arts Center case.

Statements

No statement was made.

2. Agreed Board Order with Dixie Demolition, Inc.

Ms. Phelps explained that the District had alleged that Dixie Demolition violated federal asbestos abatement requirements on two occasions. In November 2003, Dixie Demolition

submitted a courtesy notification to the District advising the District of an intent to remove a small amount of fiber asbestos from the boiler room at the Mellwood Arts Center. The notification stated that the amount to be removed was under the threshold to which the federal asbestos regulations applied. The stated amount of asbestos was based on an asbestos survey conducted by a contractor. In 2006, the District investigated this incident and other concerns at the Mellwood Arts Center and requested to view the survey. A representative of Dixie Demolition admitted that a survey had not been conducted. The federal asbestos regulation requires that a person thoroughly inspect a facility for asbestos prior to disturbing asbestos. The District alleged that both Dixie Demolition and the owner and management company of the Mellwood Arts Center violated this requirement by not conducting a thorough inspection prior to removing the asbestos in the boiler room. Also, in 2005, Dixie submitted a notification to the District of the intent to remove piping covered with asbestos. The company received several extensions for the removal but conducted the work after the expiration of the permit period. After investigating the incident, the District was not able to determine how much asbestos was removed. The District assessed a penalty of \$5,625, which the company has agreed to pay in four monthly installments.

Ms. Phelps stated that the District is in litigation with the owner and management of the Mellwood Arts Center. The District has filed a petition for an administrative hearing, which is expected to be scheduled in early 2008.

Statements

No statement was made.

Adjournment

The public hearing was adjourned at 10:13 a.m.

Dr. Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer