

**Public Hearing Minutes
of the
Louisville Metro Air Pollution Control Board
July 20, 2011**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on July 20, 2011, at 9:30 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell.

General Statement, Rules and Purpose

The Chairman read the opening announcements, rules and purpose of the Public Hearing, which was to review two Agreed Board Orders and one amended regulation.

1. Proposed Agreed Board Order with Candela Systems Corporation

Ms. Phelps, Enforcement Manager, said the District alleged that Candela Systems Corporation had violated District Regulations 5.04, which adopts by reference federal asbestos requirements for demolition and renovation. The District required the company to pay an administrative penalty, and the company agreed to the terms of the Order.

Ms. Phelps stated that in June 2011, the Board adopted an Agreed Order assessing penalties against Gaylor, Inc., one of two lighting contractors that removed fixtures at the University of Louisville before being advised as to which ones contained asbestos. Candela was the second contractor alleged to have removed fixtures before being advised as to which ones contained asbestos. Ms. Phelps said the District and Candela agreed to a penalty of \$15,000 to resolve the case. She said the District would recommend that the Board adopt the Agreed Board Order as proposed.

Discussion

Dr. Al-Shami asked how the penalty amount was determined, i.e., was the penalty based on the amount of contamination, and if the workers received a medical examination after being exposed to asbestos.

Ms. Phelps stated the District generally uses EPA's penalty policy and the amount was a basic penalty amount for someone alleged to have violated general asbestos requirements. Ms. Phelps said that sometimes penalty amounts reflect exposure to contamination; however, she believed in the University's case there was no asbestos contamination. Ms. Phelps said she was not aware of whether OSHA was involved in the incident, but they are the agency responsible for worker protection.

2. Proposed Agreed Board Order with Louisville Medical Center, Inc.

Ms. Phelps said the District alleged that Louisville Medical Center, Inc. was not in compliance with its District Title V operating permit and directed the company to take corrective action. The company agreed to the terms of the Order.

Ms. Phelps said Louisville Medical Center, a non-profit corporation, operates coal-fired steam systems to generate electricity pursuant to a District Title V operating permit. The District alleged that the company conducted stack testing, and two of the steam boilers did not demonstrate compliance with the particulate matter limits in the permits. Ms. Phelps reported that in October 2010, the company

performed a stack test on Boiler No. 3 which demonstrated emissions of 5.83% over its permitted limit for particulate matter. The company will modify the boiler to burn natural gas and will remove the coal stoker by December 31, 2012. The company agreed not to use Boiler No. 3 until the modifications are made.

Ms. Phelps said that also in October 2010, the company performed a stack test on Boiler No. 6 while Boiler Nos. 4 and 5 were also running. Boiler Nos. 4 and 5 are vented to the same baghouse and stack as Boiler No. 6. When combined with the emissions of Boiler Nos. 4 and 5, the emissions of Boiler No. 6 exceeded its particulate matter limits. Ms. Phelps said the company committed to complete a modification to the flue gas duct system by September 30, 2011, and agreed not to operate Boiler No. 6 with Boiler Nos. 4 and 5 until the modification is complete.

Ms. Phelps said the District would recommend that the Board adopt the Agreed Board Order as proposed.

3. Draft amendment to Regulation 2.03 Permit Requirements: Non Title V Construction and Operating Permits and Demolition/Renovation Notices and Permit Requirements, Version 7 – Proposed, June 15, 2011

Ms. Hamilton said the purpose of the proposed action to Regulation 2.03 was to clarify the notice requirement for demolition and renovation projects at facilities. She said a permit is required for projects that disturb materials containing more than 1% asbestos by weight. Essentially, she said the purpose of the proposed regulation change was to clarify the existing requirements for persons that conduct demolition and renovation projects at these facilities.

Ms. Hamilton said that because Regulation 2.03 is a regulation in the District's State Implementation Plan (SIP), it would be submitted to the U.S. Environmental Protection Agency for inclusion in the SIP, if adopted by the Board.

Adjournment

The public hearing adjourned at 9:43 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer