

**Public Hearing Minutes
of the
Louisville Metro Air Pollution Control Board
March 16, 2011**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on March 16, 2011, at 10:00 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 one Agreed Board Order.

1. Agreed Board Order with Swift & Company

Ms. Terri Phelps, District Enforcement Manager, said the District alleged that Swift & Company violated District and federal regulations and directed the company to pay an administrative penalty. Ms. Phelps said the company agreed to the terms of the proposed Agreed Board Order.

Swift owns and operates an animal rendering plant pursuant to a Federally Enforceable District Operating Permit (FEDOOP) and District and federal regulations. The District alleged that Swift failed to control objectionable odors from its facility, and comply with the requirements of the federal Risk Management Program (RMP). In November 2007, the District conducted a routine onsite audit of Swift's RMP and identified 28 deficiencies in the program. Some of the deficiencies alleged by the District were less serious, such as updating the organizational chart, while one of the more serious deficiencies was the failure to promptly correct equipment deficiencies that were identified during mechanical integrity inspections. Ms. Phelps said the company corrected most of the deficiencies identified in the audit in the first year after the audit; however, it was slow in addressing other deficiencies.

Ms. Phelps said the District and the company disagreed about several of the allegations but rather than continue arguing about the past, they have agreed to a compromised settlement. The District believes that Swift has improved their RMP as a result of working with the District on the case. The company agreed to pay an administrative penalty of \$32,000 to settle the RMP allegation.

In addition to the FEDOOP allegations, on at least 14 days from October 2008 to April 2009, Swift emitted objectionable odors into the ambient air beyond its property line. The incidents occurred before the full implementation of the company's upgrade to an odor control system which was required by a previous Board Order. After the full implementation of the new odor control system, the off-property odors were reduced. Ms. Phelps said Swift must continue to be vigilant in reducing odors because the District continues to receive complaints of odors from the facility. Also, she said the District spends an inordinate amount of time and resources investigating complaints about Swift and conducting surveillance in the surrounding neighborhood. The company agreed to pay an administrative penalty of \$5,250 to settle the odor violations.

Ms. Phelps said the District recommended that the Board adopt the Agreed Board Order, as proposed.

Public Comments

Ms. Phelps said that during the public comment period, the Board received one citizen comment. The commenter said they moved into the neighborhood in 2009 and odor emissions have not improved with the new scrubber, and they believe that more effective odor control is possible based on their review of an industry report. They also commented on the safety of the neighborhood if harmful chemicals were leaked.

Statements

Mr. John Cliff, General Manager, stated that the company disagreed with the District on the RMP but the issues were resolved. He said the company's last odor violation was approximately January 9, 2009, when new odor control equipment was installed. Mr. Cliff said Swift will always seek new and improved ways to reduce odors to improve the environment.

Adjournment

The public hearing adjourned at 10:07 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer