

**Minutes  
Public Hearing  
of the  
Louisville Metro Air Pollution Control Board  
July 17, 2013**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on July 17, 2013, 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 an Agreed Board Order with Kosair Charities Committee, Inc.

**1. Agreed Board Order with Kosair Charities Committee, Inc.**

Ms. Terri Phelps, Enforcement Manager, asked the Board to consider and adopt a proposed Board Order alleging that Kosair Charities Committee, Inc. violated District Regulation 5.04. The company agreed to the terms of the Order.

In February 2012, Kosair contracted for the renovation of part of its facility on Eastern Parkway for use as a children's clinic to be operated by the University of Louisville. Kosair hired a general contractor to oversee the renovation and hired an asbestos abatement company to abate certain areas of the building that were known to contain asbestos. Several times during the project, workers discovered asbestos unexpectedly and stopped work to allow for notification to the District and abatement of the asbestos. On multiple occasions, the District reminded representatives of Kosair and its general contractor of the requirement to thoroughly inspect for the presence of asbestos in all areas to be renovated prior to renovation work that would disturb the asbestos.

In September 2012, the District discovered during an inspection that asbestos containing materials had been disturbed during the removal of floor tile. The District was not able to find out from anyone involved in the project who had removed the tile. The parties had speculated that an uncertified demolition contractor had removed the tile. Thereafter, a certified asbestos contractor abated the asbestos and since then an asbestos survey was completed for the entire Eastern Parkway campus.

Ms. Phelps stated that the District and Kosair agreed that Kosair would conduct a supplemental environmental project (SEP) with a value of at least \$15,000 to resolve the case. The District approved Kosair's proposal to develop and produce materials to educate and instruct professionals on their responsibility for asbestos awareness. Also, the education materials would inform families and contractors that conduct renovation of residences, of the dangers of and protection from asbestos in the home. Kosair also agreed to furnish the materials to the District for its own use, help distribute them in the community at Kosair special events, and host educational seminars for contractors and partnerships with the District.

**Statements**

Mr. Ronald L. Miller, Senior Vice-President and Chief Financial Officer at Kosair Charities Committee attended the meeting and introduced Mr. John Holley, Vice-President of Micro-Analytics, who was involved in the Kosair Charities project. Mr. Miller expressed appreciation to the District for their help in developing the SEP proposal and their professionalism throughout the process.

Mr. Miller said Kosair Charities took responsibility for the seriousness of the violations and said the mastic that was discovered was a result of follow-up of work previously permitted. He said the issue was an inadvertent oversight and was not intentional. He said Micro-Analytics services were used several times during the project to remove asbestos and since the violation occurred, the entire campus had been surveyed. Mr. Miller stated that Kosair was in the process of renovating its campus to accommodate several non-profit groups in the community that served children. He said one of Kosair's trademarks was "Protecting the Most Precious Gift of All." Ms. Miller said although Kosair had several options to resolve the violation, he said the proposed SEP was an opportunity for Kosair to turn the experience into one that would help children and families in the area.

In closing, Mr. Miller stated on behalf of Kosair Charities that they respectfully requested the Board to approve the proposed Agreed Board Order.

### **Adjourn**

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

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Robert W. Powell, M.D.  
Chairman

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Lauren Anderson  
Director